

108TH CONGRESS
1ST SESSION

H. R. 2557

AN ACT

To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

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To provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Water Resources Development Act of 2003”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 1001. Project authorizations.

Sec. 1002. Small projects for flood damage reduction.

Sec. 1003. Small projects for emergency streambank protection.

Sec. 1004. Small projects for navigation.

Sec. 1005. Small projects for improvement of the quality of the environment.

Sec. 1006. Small projects for aquatic ecosystem restoration.

Sec. 1007. Small projects for shoreline protection.

Sec. 1008. Small projects for snagging and sediment removal.

TITLE II—GENERAL PROVISIONS

Sec. 2001. Annual passes for recreation.

Sec. 2002. Non-Federal contributions.

Sec. 2003. Harbor cost sharing.

Sec. 2004. Funding to process permits.

Sec. 2005. National shoreline erosion control development and demonstration
 program.

Sec. 2006. Written agreement for water resources projects.

Sec. 2007. Assistance for remediation, restoration, and reuse.

Sec. 2008. Compilation of laws.

Sec. 2009. Dredged material disposal.

Sec. 2010. Wetlands mitigation.

Sec. 2011. Remote and subsistence harbors.

Sec. 2012. Beneficial uses of dredged material.

Sec. 2013. Cost sharing provisions for certain areas.

Sec. 2014. Revision of project partnership agreement.

Sec. 2015. Cost sharing.

Sec. 2016. Credit for work performed before partnership agreement.

Sec. 2017. Recreation user fee revenues.

Sec. 2018. Expedited actions for emergency flood damage reduction.

Sec. 2019. Watershed and river basin assessments.

Sec. 2020. Tribal partnership program.

Sec. 2021. Treatment of certain separable elements.

Sec. 2022. Prosecution of work.

Sec. 2023. Wildfire firefighting.

Sec. 2024. Credit for nonconstruction services.

- Sec. 2025. Technical assistance.
- Sec. 2026. Centers of specialized planning expertise.
- Sec. 2027. Coordination and scheduling of Federal, State, and local actions.
- Sec. 2028. Project streamlining.
- Sec. 2029. Lakes program.
- Sec. 2030. Mitigation for fish and wildlife losses.
- Sec. 2031. Cooperative agreements.
- Sec. 2032. Project planning.
- Sec. 2033. Independent peer review.
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TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 3001. Cook Inlet, Alaska.
- Sec. 3002. King Cove Harbor, Alaska.
- Sec. 3003. Sitka, Alaska.
- Sec. 3004. Tatitlek, Alaska.
- Sec. 3005. Nogales Wash and tributaries, Arizona.
- Sec. 3006. Grand Prairie Region and Bayou Meto Basin, Arkansas.
- Sec. 3007. Saint Francis Basin, Arkansas.
- Sec. 3008. American and Sacramento Rivers, California.
- Sec. 3009. Cache Creek Basin, California.
- Sec. 3010. Grayson Creek/Murderer's Creek, California.
- Sec. 3011. John F. Baldwin Ship Channel and Stockton Ship Channel, California.
- Sec. 3012. Larkspur Ferry Channel, Larkspur, California.
- Sec. 3013. Los Angeles Harbor, Los Angeles, California.
- Sec. 3014. Napa River Salt Marsh Restoration, Napa River, California.
- Sec. 3015. Pacific Flyway Center, Sacramento, California.
- Sec. 3016. Pinole Creek, California.
- Sec. 3017. Prado Dam, California.
- Sec. 3018. Sacramento Deep Water Ship Channel, California.
- Sec. 3019. Sacramento River, Glenn-Colusa, California.
- Sec. 3020. San Lorenzo River, California.
- Sec. 3021. Upper Guadalupe River, California.
- Sec. 3022. Walnut Creek Channel, California.
- Sec. 3023. Wildcat/San Pablo Creek Phase I, California.
- Sec. 3024. Wildcat/San Pablo Creek Phase II, California.
- Sec. 3025. Brevard County, Florida.
- Sec. 3026. Broward County and Hillsboro Inlet, Florida.
- Sec. 3027. Gasparilla and Estero Islands, Florida.
- Sec. 3028. Jacksonville Harbor, Florida.
- Sec. 3029. Lido Key Beach, Sarasota, Florida.
- Sec. 3030. Manatee Harbor, Florida.
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- Sec. 3047. Public access, Atchafalaya Basin Floodway System, Louisiana.
- Sec. 3048. J. Bennett Johnston Waterway, Mississippi River to Shreveport, Louisiana.
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- Sec. 3050. New Orleans to Venice, Louisiana.
- Sec. 3051. West Bank of the Mississippi River (East of Harvey Canal), Louisiana.
- Sec. 3052. Camp Ellis, Saco, Maine.
- Sec. 3053. Union River, Maine.
- Sec. 3054. Cass River, Spaulding Township, Michigan.
- Sec. 3055. Detroit River Shoreline, Detroit, Michigan.
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- Sec. 3070. Alamogordo, New Mexico.
- Sec. 3071. Orchard Beach, Bronx, New York.
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- Sec. 3073. Port of New York and New Jersey, New York and New Jersey.
- Sec. 3074. New York state Canal System.
- Sec. 3075. Arcadia Lake, Oklahoma.
- Sec. 3076. Willamette River Temperature Control, Mckenzie Subbasin, Oregon.
- Sec. 3077. French Creek, Union City Dam, Pennsylvania.
- Sec. 3078. Lackawanna River at Olyphant, Pennsylvania.
- Sec. 3079. Lackawanna River at Scranton, Pennsylvania.
- Sec. 3080. Raystown Lake, Pennsylvania.
- Sec. 3081. Sheraden Park Stream and Chartiers Creek, Allegheny County, Pennsylvania.
- Sec. 3082. Solomon's Creek, Wilkes-Barre, Pennsylvania.
- Sec. 3083. South Central Pennsylvania.
- Sec. 3084. Wyoming Valley, Pennsylvania.
- Sec. 3085. Little Limestone Creek, Jonesborough, Tennessee.
- Sec. 3086. Cedar Bayou, Texas.
- Sec. 3087. Lake Kemp, Texas.
- Sec. 3088. Lower Rio Grande Basin, Texas.
- Sec. 3089. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 3090. Proctor Lake, Texas.
- Sec. 3091. San Antonio Channel, San Antonio, Texas.
- Sec. 3092. Elizabeth River, Chesapeake, Virginia.

- Sec. 3093. Roanoke River Upper Basin, Virginia.
- Sec. 3094. Blair and Siteum Waterways, Tacoma Harbor, Washington.
- Sec. 3095. Greenbrier River Basin, West Virginia.
- Sec. 3096. Manitowoc Harbor, Wisconsin.
- Sec. 3097. Mississippi River Headwaters Reservoirs.
- Sec. 3098. Continuation of project authorizations.
- Sec. 3099. Project reauthorizations.
- Sec. 3100. Project deauthorizations.
- Sec. 3101. Land conveyances.
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TITLE IV—STUDIES

- Sec. 4001. John Glenn Great Lakes basin program.
- Sec. 4002. Choctawhatchee, Pea, and Yellow Rivers Watershed, Alabama.
- Sec. 4003. St. George Harbor, Alaska.
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- Sec. 4005. Searey County, Arkansas.
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- Sec. 4007. Hamilton, California.
- Sec. 4008. Napa River, St. Helena, California.
- Sec. 4009. Oceanside, California.
- Sec. 4010. Sacramento River, California.
- Sec. 4011. San Francisco Bay, Sacramento-San Joaquin Delta, California.
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- Sec. 4013. Calumet Harbor, Illinois.
- Sec. 4014. Chicago, Illinois.
- Sec. 4015. South Branch, Chicago River, Chicago, Illinois.
- Sec. 4016. Paducah, Kentucky.
- Sec. 4017. Bastrop-Morehouse Parish, Louisiana.
- Sec. 4018. West Feliciana Parish, Louisiana.
- Sec. 4019. Fall River Harbor, Massachusetts.
- Sec. 4020. City of Mackinac Island, Michigan.
- Sec. 4021. Northeast Mississippi.
- Sec. 4022. Pueblo of Zuni, New Mexico.
- Sec. 4023. Hudson-Raritan Estuary, New York and New Jersey.
- Sec. 4024. Sac and Fox Nation, Oklahoma.
- Sec. 4025. Sutherlin, Oregon.
- Sec. 4026. Tillamook Bay and Bar, Oregon.
- Sec. 4027. Ecosystem restoration and fish passage improvements, Oregon.
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- Sec. 4029. Georgetown and Williamsburg Counties, South Carolina.
- Sec. 4030. Sabine Pass to Galveston Bay, Texas.
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- Sec. 5002. Watershed management.
- Sec. 5003. Dam safety.
- Sec. 5004. Structural integrity evaluations.
- Sec. 5005. Flood mitigation priority areas.
- Sec. 5006. Additional assistance for authorized projects.
- Sec. 5007. Expedited completion of reports and construction for certain projects.
- Sec. 5008. Expedited completion of reports for certain projects.
- Sec. 5009. Southeastern water resources assessment.
- Sec. 5010. Upper Mississippi River environmental management program.
- Sec. 5011. Missouri and Middle Mississippi Rivers enhancement project.
- Sec. 5012. Membership of Missouri River Trust.
- Sec. 5013. Great Lakes fishery and ecosystem restoration.
- Sec. 5014. Susquehanna, Delaware, and Potomac River basins.
- Sec. 5015. Chesapeake Bay environmental restoration and protection program.
- Sec. 5016. Montgomery, Alabama.
- Sec. 5017. Pinhook Creek, Huntsville, Alabama.
- Sec. 5018. Alaska.
- Sec. 5019. Akutan Small Boat Harbor, Alaska.
- Sec. 5020. Fort Yukon, Alaska.
- Sec. 5021. Lowell Creek Tunnel, Seward, Alaska.
- Sec. 5022. St. Herman and St. Paul Harbors, Kodiak, Alaska.
- Sec. 5023. Augusta and Clarendon, Arkansas.
- Sec. 5024. Helena and Vicinity, Arkansas.
- Sec. 5025. Loomis Landing, Arkansas.
- Sec. 5026. McClellan-Kerr Arkansas River navigation project, Arkansas and Oklahoma.
- Sec. 5027. St. Francis River Basin, Arkansas and Missouri.
- Sec. 5028. Cambria, California.
- Sec. 5029. Contra Costa Canal, Oakley and Knightsen, California; Mallard Slough, Pittsburg, California.
- Sec. 5030. East San Joaquin County, California.
- Sec. 5031. Placer and El Dorado Counties, California.
- Sec. 5032. Sacramento Area, California.
- Sec. 5033. Sacramento Deep Water Ship Channel, California.
- Sec. 5034. San Francisco, California.
- Sec. 5035. San Francisco, California, Waterfront Area.
- Sec. 5036. San Pablo Bay Watershed and Suisun Marsh Ecosystem Restoration.
- Sec. 5037. Stockton, California.
- Sec. 5038. Upper Klamath Basin, California.
- Sec. 5039. Charles Hervey Townshend Breakwater, Connecticut.
- Sec. 5040. Everglades restoration, Florida.
- Sec. 5041. Florida Keys water quality improvements.
- Sec. 5042. Lake Worth, Florida.
- Sec. 5043. Lake Lanier, Georgia.
- Sec. 5044. Riley Creek recreation area, Idaho.
- Sec. 5045. Reconstruction of Illinois flood protection projects.
- Sec. 5046. Cook County, Illinois.
- Sec. 5047. Kaskaskia River basin, Illinois, restoration.
- Sec. 5048. Natalie Creek, Midlothian and Oak Forest, Illinois.
- Sec. 5049. Peoria riverfront development, Peoria, Illinois.
- Sec. 5050. Illinois River basin restoration.
- Sec. 5051. Southwest Illinois.

- Sec. 5052. Calumet region, Indiana.
- Sec. 5053. Rathbun Lake, Iowa.
- Sec. 5054. Cumberland River Basin, Kentucky.
- Sec. 5055. Mayfield Creek and tributaries, Kentucky.
- Sec. 5056. North Fork, Kentucky River, Breathitt County, Kentucky.
- Sec. 5057. Southern and Eastern Kentucky.
- Sec. 5058. Coastal Louisiana ecosystem protection and restoration.
- Sec. 5059. Baton Rouge, Louisiana.
- Sec. 5060. Lake Pontchartrain, Louisiana.
- Sec. 5061. West Baton Rouge Parish, Louisiana.
- Sec. 5062. Chesapeake Bay shoreline, Maryland, Virginia, Pennsylvania, and Delaware.
- Sec. 5063. Delmarva conservation corridor, Maryland.
- Sec. 5064. Detroit River, Michigan.
- Sec. 5065. Oakland County, Michigan.
- Sec. 5066. St. Clair River and Lake St. Clair, Michigan.
- Sec. 5067. Crookston, Minnesota.
- Sec. 5068. Garrison and Kathio Township, Minnesota.
- Sec. 5069. Northeastern Minnesota.
- Sec. 5070. Desoto County, Mississippi.
- Sec. 5071. Harrison, Hancock, and Jackson Counties, Mississippi.
- Sec. 5072. Mississippi River, Missouri, and Illinois.
- Sec. 5073. St. Louis, Missouri.
- Sec. 5074. Delaware River, Trenton, New Jersey.
- Sec. 5075. Hackensack Meadowlands area, New Jersey.
- Sec. 5076. Atlantic Coast of New York.
- Sec. 5077. College Point, New York City, New York.
- Sec. 5078. Flushing Bay and Creek, New York City, New York.
- Sec. 5079. Gateway Point, North Tonawanda, New York.
- Sec. 5080. Little Neck Bay, Village of Kings Point, New York.
- Sec. 5081. Onondaga Lake, New York.
- Sec. 5082. Times Beach Dike, Buffalo, New York.
- Sec. 5083. John H. Kerr Dam and Reservoir, North Carolina.
- Sec. 5084. Stanly County, North Carolina.
- Sec. 5085. Central Riverfront Park, Cincinnati, Ohio.
- Sec. 5086. Piedmont Lake Dam, Ohio.
- Sec. 5087. Ohio.
- Sec. 5088. Waurika Lake, Oklahoma.
- Sec. 5089. Columbia River, Oregon.
- Sec. 5090. Eugene, Oregon.
- Sec. 5091. John Day Lock and Dam, Lake Umatilla, Oregon and Washington.
- Sec. 5092. Lowell, Oregon.
- Sec. 5093. Hagerman's Run, Williamsport, Pennsylvania.
- Sec. 5094. Northeast Pennsylvania.
- Sec. 5095. Susquehannock Campground access road, Raystown Lake, Pennsylvania.
- Sec. 5096. Upper Susquehanna River basin, Pennsylvania and New York.
- Sec. 5097. Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.
- Sec. 5098. Cano Martin Pena, San Juan, Puerto Rico.
- Sec. 5099. Beaufort and Jasper Counties, South Carolina.
- Sec. 5100. Cooper River, South Carolina.
- Sec. 5101. Lakes Marion and Moultrie, South Carolina.
- Sec. 5102. Upper Big Sioux River, Watertown, South Dakota.
- Sec. 5103. Fritz Landing, Tennessee.

Sec. 5104. J. Percy Priest Dam and Reservoir, Ohio River Basin, Tennessee.
 Sec. 5105. Memphis, Tennessee.
 Sec. 5106. Town Creek, Lenoir City, Tennessee.
 Sec. 5107. East Tennessee.
 Sec. 5108. Tennessee River partnership.
 Sec. 5109. Clear Creek and tributaries, Harris, Galveston, and Brazoria Counties, Texas.
 Sec. 5110. Harris County, Texas.
 Sec. 5111. Harris Gully, Harris County, Texas.
 Sec. 5112. Onion Creek, Texas.
 Sec. 5113. Pelican Island, Texas.
 Sec. 5114. Front Royal, Virginia.
 Sec. 5115. Richmond National Battlefield Park, Richmond, Virginia.
 Sec. 5116. Baker Bay and Ilwaco Harbor, Washington.
 Sec. 5117. Chehalis River, Centralia, Washington.
 Sec. 5118. Hamilton Island Campground, Washington.
 Sec. 5119. Puget Island, Washington.
 Sec. 5120. Bluestone, West Virginia.
 Sec. 5121. West Virginia and Pennsylvania flood control.
 Sec. 5122. Lower Kanawha River Basin, West Virginia.
 Sec. 5123. Central West Virginia.
 Sec. 5124. Southern West Virginia.
 Sec. 5125. Construction of flood control projects by non-Federal interests.
 Sec. 5126. Bridge authorization.
 Sec. 5127. Additional assistance for critical projects.
 Sec. 5128. Use of Federal hopper dredge fleet.
 Sec. 5129. Wage surveys.
 Sec. 5130. Purchase of American-made equipment and products.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
 3 retary of the Army.

4 **TITLE I—WATER RESOURCES** 5 **PROJECTS**

6 **SEC. 1001. PROJECT AUTHORIZATIONS.**

7 (a) PROJECTS WITH CHIEF’S REPORTS.—Except as
 8 otherwise provided in this section, the following projects
 9 for water resources development and conservation and
 10 other purposes are authorized to be carried out by the Sec-
 11 retary substantially in accordance with the plans, and sub-

1 ject to the conditions, described in the respective reports
2 designated in this section:

3 (1) TANQUE VERDE CREEK, ARIZONA.—The
4 project for environmental restoration, Tanque Verde
5 Creek, Arizona: Report of the Chief of Engineers,
6 dated July 22, 2003, at a total cost of \$4,878,000,
7 with an estimated Federal cost of \$3,170,700 and
8 an estimated non-Federal cost of \$1,707,300.

9 (2) AMERICAN RIVER WATERSHED, CALI-
10 FORNIA.—

11 (A) IN GENERAL.—The project for flood
12 damage reduction and environmental restora-
13 tion, American River Watershed, California: Re-
14 port of the Chief of Engineers, dated November
15 5, 2002, at a total cost of \$257,300,000, with
16 an estimated Federal cost of \$201,200,000 and
17 an estimated non-Federal cost of \$56,100,000;
18 except that the Secretary is authorized to ac-
19 cept funds from State and local governments
20 and other Federal agencies for the purpose of
21 constructing a permanent bridge instead of the
22 temporary bridge described in the recommended
23 plan and may construct such permanent bridge
24 if all additional costs for such bridge, above the
25 \$36,000,000 provided for in the recommended

1 plan for bridge construction, are provided by
2 such governments or agencies.

3 (B) EXPEDITING BRIDGE DESIGN AND
4 CONSTRUCTION.—The Secretary, in cooperation
5 with appropriate non-Federal interests, shall
6 immediately commence appropriate studies for,
7 and the design of, a permanent bridge (includ-
8 ing an evaluation of potential impacts of bridge
9 construction on traffic patterns and identifica-
10 tion of alternatives for mitigating such impacts)
11 and, upon execution of a cost-sharing agree-
12 ment with such non-Federal interests, shall pro-
13 ceed to construction of the bridge as soon as
14 practicable; except that such studies, design,
15 and construction shall not adversely affect the
16 schedule of design or construction of authorized
17 projects for flood damage reduction.

18 (3) PINE FLAT DAM AND RESERVOIR, CALI-
19 FORNIA.—The project for environmental restoration,
20 Pine Flat Dam and Reservoir, Fresno County, Cali-
21 fornia: Report of the Chief of Engineers, dated July
22 19, 2002, at a total cost of \$38,480,000, with an es-
23 timated Federal cost of \$24,930,000 and an esti-
24 mated non-Federal cost of \$13,550,000.

1 (4) SOUTH PLATTE RIVER, DENVER, COLO-
2 RADO.—The project for environmental restoration
3 Denver County Reach, South Platte River, Denver,
4 Colorado: Report of the Chief of Engineers, dated
5 May 16, 2003, at a total cost of \$17,997,000, with
6 an estimated Federal cost of \$11,698,000 and an es-
7 timated non-Federal cost of \$6,299,000.

8 (5) PEORIA RIVERFRONT, ILLINOIS.—The
9 project for environmental restoration, Peoria River-
10 front, Illinois: Report of the Chief of Engineers,
11 dated July 28, 2003, at a total cost of \$15,182,000,
12 with an estimated Federal cost of \$9,868,000 and
13 an estimated non-Federal cost of \$5,314,000.

14 (6) MORGANZA TO THE GULF OF MEXICO, LOU-
15 ISIANA.—

16 (A) IN GENERAL.—The project for hurri-
17 cane and storm damage reduction, Morganza to
18 the Gulf of Mexico, Louisiana: Reports of the
19 Chief of Engineers, dated August 23, 2002, and
20 July 22, 2003, at a total cost of \$719,000,000,
21 with an estimated Federal cost of \$467,000,000
22 and an estimated non-Federal cost of
23 \$252,000,000.

24 (B) CREDIT.—The Secretary shall credit
25 toward the non-Federal share of the cost of the

1 project the cost of work carried out by the non-
2 Federal interest for interim flood protection
3 after March 31, 1989, if the Secretary deter-
4 mines that the work is integral to the project.

5 (7) SMITH ISLAND, MARYLAND.—The project
6 for environmental restoration and protection, Smith
7 Island, Maryland: Report of the Chief of Engineers,
8 dated October 29, 2001, at a total cost of
9 \$8,000,000, with an estimated Federal cost of
10 \$5,200,000 and an estimated non-Federal cost of
11 \$2,800,000.

12 (8) SOUTH RIVER, NEW JERSEY.—The project
13 for hurricane and storm damage reduction and envi-
14 ronmental restoration, South River, New Jersey: Re-
15 port of the Chief of Engineers, dated July 22, 2003,
16 at a total cost of \$103,268,000, with an estimated
17 Federal cost of \$67,124,000 and an estimated non-
18 Federal cost of \$36,144,000.

19 (9) CORPUS CHRISTI SHIP CHANNEL, CORPUS
20 CHRISTI, TEXAS.—The project for navigation and
21 environmental restoration, Corpus Christi Ship
22 Channel, Texas, Channel Improvement Project: Re-
23 port of the Chief of Engineers dated June 2, 2003,
24 at a total cost of \$153,808,000, with an estimated

1 Federal cost of \$73,554,000 and an estimated non-
2 Federal cost of \$80,254,000.

3 (10) MATAGORDA BAY, TEXAS.—The project for
4 navigation, Gulf Intracoastal Waterway, Brazos
5 River to Port O'Connor, Matagorda Bay Re-Route,
6 Texas: Report of the Chief of Engineers, dated De-
7 cember 4, 2002, at a total cost of \$14,515,000. The
8 costs of construction of the project are to be paid $\frac{1}{2}$
9 from amounts appropriated from the general fund of
10 the Treasury and $\frac{1}{2}$ from amounts appropriated
11 from the Inland Waterways Trust Fund.

12 (11) RIVERSIDE OXBOW, FORT WORTH,
13 TEXAS.—

14 (A) IN GENERAL.—The project for envi-
15 ronmental restoration, Riverside Oxbow, Fort
16 Worth, Texas: Report of the Chief of Engineers
17 dated May 29, 2003, at a total cost of
18 \$22,200,000, with an estimated Federal cost of
19 \$9,180,000 and an estimated non-Federal cost
20 of \$13,020,000.

21 (B) CREDIT.—The Secretary shall credit
22 toward the non-Federal share of the cost of the
23 project the cost of design and construction work
24 carried out on the Beach Street Dam and asso-
25 ciated features by the non-Federal interest be-

1 fore the date of the partnership agreement for
2 the project if the Secretary determines that the
3 work is integral to the project.

4 (12) DEEP CREEK, CHESAPEAKE, VIRGINIA.—

5 The project for the Atlantic Intracoastal Waterway
6 Bridge Replacement, Deep Creek, Chesapeake, Vir-
7 ginia: Report of the Chief of Engineers, dated March
8 3, 2003, at a total cost of \$22,178,000.

9 (b) PROJECTS SUBJECT TO FINAL REPORT.—The
10 following projects for water resources development and
11 conservation and other purposes are authorized to be car-
12 ried out by the Secretary substantially in accordance with
13 the plans, and subject to the conditions, recommended in
14 a final report of the Chief of Engineers if a favorable re-
15 port of the Chief is completed not later than December
16 31, 2003:

17 (1) BEL MARIN KEYS UNIT V, CALIFORNIA.—

18 The project for environmental restoration, Bel Marin
19 Keys Unit V, California, at a total cost of
20 \$133,600,000, with an estimated Federal cost of
21 \$100,200,000 and an estimated non-Federal cost of
22 \$33,400,000.

23 (2) IMPERIAL BEACH, CALIFORNIA.—The

24 project for storm damage reduction, Imperial Beach,
25 California, at a total cost of \$11,922,000, with an

1 estimated Federal cost of \$7,630,000 and an esti-
2 mated non-Federal cost of \$4,292,000.

3 (3) GWYNNS FALLS, MARYLAND.—The project
4 for environmental restoration, Gwynns Falls, Mary-
5 land, at a total cost of \$14,660,000.

6 (4) MANASQUAN TO BARNEGAT INLETS, NEW
7 JERSEY.—The project for hurricane and storm dam-
8 age reduction, Manasquan to Barnegat Inlets, New
9 Jersey, at a total cost of \$60,649,000, with an esti-
10 mated Federal cost of \$39,422,000 and an esti-
11 mated non-Federal cost of \$21,227,000.

12 (5) CENTRALIA, CHEHALIAS RIVER, WASH-
13 INGTON.—The project for flood damage reduction,
14 Centralia, Chehalias River, Washington, at a total
15 cost of \$86,872,000, with an estimated Federal cost
16 of \$56,467,000 and an estimated non-Federal cost
17 of \$30,405,000.

18 **SEC. 1002. SMALL PROJECTS FOR FLOOD DAMAGE REDUC-**
19 **TION.**

20 (a) IN GENERAL.—The Secretary shall conduct a
21 study for each of the following projects and, if the Sec-
22 retary determines that a project is feasible, may carry out
23 the project under section 205 of the Flood Control Act
24 of 1948 (33 U.S.C. 701s):

1 (1) CACHE RIVER BASIN, GRUBBS, ARKANSAS.—
2 Project for flood damage reduction, Cache River
3 basin, Grubbs, Arkansas.

4 (2) SANTA ANA RIVER BASIN AND ORANGE
5 COUNTY STREAMS, CALIFORNIA.—Project for flood
6 damage reduction, Santa Ana River basin and Or-
7 ange County streams, California.

8 (3) STONY CREEK, OAK LAWN, ILLINOIS.—
9 Project for flood damage reduction, Stony Creek,
10 Oak Lawn, Illinois.

11 (4) OLIVE HILL AND VICINITY, KENTUCKY.—
12 Project for flood damage reduction, Olive Hill and
13 vicinity, Kentucky.

14 (5) NASHUA RIVER, FITCHBURG, MASSACHU-
15 SETTS.—Project for flood damage reduction, Nashua
16 River, Fitchburg, Massachusetts.

17 (6) SAGINAW RIVER, HAMILTON DAM, FLINT,
18 MICHIGAN.—Project for flood damage reduction,
19 Saginaw River, Hamilton Dam, Flint, Michigan.

20 (7) MARSH CREEK, MINNESOTA.—Project for
21 flood damage reduction, Marsh Creek, Minnesota.

22 (8) ROSEAU RIVER, ROSEAU, MINNESOTA.—
23 Project for flood damage reduction, Roseau River,
24 Roseau, Minnesota.

1 (9) SOUTH BRANCH OF THE WILD RICE RIVER,
2 BORUP, MINNESOTA.—Project for flood damage re-
3 duction, South Branch of the Wild Rice River,
4 Borup, Minnesota.

5 (10) TWIN VALLEY LAKE, WILD RICE RIVER,
6 MINNESOTA.—Project for flood damage reduction,
7 Twin Valley Lake, Wild Rice River, Minnesota.

8 (11) BLACKSNAKE CREEK, ST. JOSEPH, MIS-
9 SOURI.—Project for flood damage reduction, Black-
10 snake Creek, St. Joseph, Missouri.

11 (12) MCKEEL BROOK, NEW JERSEY.—Project
12 for flood damage reduction, McKeel Brook, New
13 Jersey.

14 (13) EAST RIVER, SILVER BEACH, NEW YORK
15 CITY, NEW YORK.—Project for flood damage reduc-
16 tion, East River, Silver Beach, New York City, New
17 York.

18 (14) RAMAPO RIVER, TOWN OF MONROE AND
19 VILLAGES OF MONROE, KIRYAS JOEL, AND HAR-
20 RIMAN, NEW YORK.—Project for flood damage re-
21 duction, Ramapo River, Town of Monroe and Vil-
22 lages of Monroe, Kiryas Joel, and Harriman, New
23 York.

(15) LITTLE MILL CREEK, SOUTHAMPTON,
PENNSYLVANIA.—Project for flood damage reduc-
tion, Little Mill Creek, Southampton, Pennsylvania.

(16) LITTLE NESHAMINY CREEK, WARRENTON,
PENNSYLVANIA.—Project for flood damage reduc-
tion, Little Neshaminy Creek, Warrenton, Pennsyl-
vania.

8 (17) SURFSIDE BEACH, SOUTH CAROLINA.—
9 Project for flood damage reduction, Surfside Beach
10 and vicinity, South Carolina.

(b) SPECIAL RULES.—In carrying out the project for flood damage reduction, South Branch of the Wild Rice River, Borup, Minnesota, referred to in subsection (a)(9) the Secretary may consider national ecosystem restoration benefits in determining the Federal interest in the project and shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184) to the extent that the Secretary's evaluation indicates that applying such section is necessary to implement the project.

22 SEC. 1003. SMALL PROJECTS FOR EMERGENCY
23 STREAMBANK PROTECTION.

24 The Secretary shall conduct a study for each of the
25 following projects and, if the Secretary determines that

1 a project is feasible, may carry out the project under sec-
2 tion 14 of the Flood Control Act of 1946 (33 U.S.C.
3 701r):

4 (1) OUACHITA AND BLACK RIVERS, ARKAN-
5 SAS.—Project for emergency streambank protection,
6 Ouachita and Black Rivers, Arkansas.

7 (2) MELVINA DITCH, CHICAGO RIDGE, ILLI-
8 NOIS.—Project for emergency streambank protection
9 for the east side of Melvina Ditch in the vicinity of
10 96th Street and Nashville Avenue, Chicago Ridge,
11 Illinois.

12 (3) RED LAKE FALLS, MINNESOTA.—Project for
13 emergency streambank protection, Red Lake River,
14 Red Lake Falls, Minnesota.

15 (4) MIDDLE FORK GRAND RIVER, GENTRY
16 COUNTY, MISSOURI.—Project for emergency
17 streambank protection, Middle Fork Grand River,
18 Gentry County, Missouri.

19 (5) SHREWSBURY RIVER, RUMSON, NEW JER-
20 SEY.—Project for emergency streambank protection,
21 Shrewsbury River, Rumson, New Jersey.

22 (6) KOWAWESE UNIQUE AREA AND HUDSON
23 RIVER, NEW WINDSOR, NEW YORK.—Project for
24 emergency streambank protection, Kowawese Unique
25 Area and Hudson River, New Windsor, New York.

1 **SEC. 1004. SMALL PROJECTS FOR NAVIGATION.**

2 The Secretary shall conduct a study for each of the
3 following projects and, if the Secretary determines that
4 a project is feasible, may carry out the project under sec-
5 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
6 577):

7 (1) BLYTHEVILLE COUNTY HARBOR, ARKAN-
8 SAS.—Project for navigation, Blytheville County
9 Harbor, Arkansas.

10 (2) PALM BEACH HARBOR, FLORIDA.—Project
11 for navigation, Palm Beach Harbor, Florida.

12 (3) EVANSTON, ILLINOIS.—Project for naviga-
13 tion, Evanston, Illinois.

14 (4) MISSISSIPPI RIVER SHIP CHANNEL, LOU-
15 ISIANA.—Project for navigation, Mississippi River
16 Ship Channel, Louisiana.

17 (5) AU SABLE RIVER, MICHIGAN.—Project for
18 navigation, Au Sable River in the vicinity of Oscoda,
19 Michigan.

20 (6) NIAGARA FRONTIER TRANSPORTATION AU-
21 THORITY BOAT HARBOR, BUFFALO, NEW YORK.—
22 Project for navigation, Niagara Frontier Transpor-
23 tation Authority Boat Harbor, Buffalo, New York.

24 (7) WOODLAWN MARINA, LACKAWANNA, NEW
25 YORK.—Project for navigation, Woodlawn Marina,
26 Lackawanna, New York.

1 (8) BAKER BAY AND ILWACO HARBOR, WASH-
2 INGTON.—Project for navigation, Baker Bay and
3 Ilwaco Harbor, Washington.

4 **SEC. 1005. SMALL PROJECTS FOR IMPROVEMENT OF THE**
5 **QUALITY OF THE ENVIRONMENT.**

6 The Secretary shall conduct a study for the following
7 project and, if the Secretary determines that the project
8 is appropriate, may carry out the project under section
9 1135 of the Water Resources Development Act of 1986
10 (33 U.S.C. 2309a): Project for improvement of the quality
11 of the environment, Smithville Lake, Missouri.

12 **SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM**
13 **RESTORATION.**

14 The Secretary shall conduct a study for each of the
15 following projects and, if the Secretary determines that
16 a project is appropriate, may carry out the project under
17 section 206 of the Water Resources Development Act of
18 1996 (33 U.S.C. 2330):

19 (1) COLORADO RIVER, YUMA, ARIZONA.—
20 Project for aquatic ecosystem restoration, Colorado
21 River, Yuma, Arizona.

22 (2) CHINO VALLEY, CALIFORNIA.—Project for
23 aquatic ecosystem restoration, Chino Valley, Cali-
24 fornia.

1 (3) NEW AND ALAMO RIVERS, IMPERIAL COUN-
2 TY, CALIFORNIA.—Project for aquatic ecosystem res-
3 toration, New and Alamo Rivers, Imperial County,
4 California, including efforts to address invasive
5 aquatic plant species.

6 (4) SAN DIEGO RIVER, CALIFORNIA.—Project
7 for aquatic ecosystem restoration, San Diego River,
8 California, including efforts to address invasive
9 aquatic plant species.

10 (5) STOCKTON DEEP WATER SHIP CHANNEL
11 AND LOWER SAN JOAQUIN RIVER, CALIFORNIA.—
12 Project for aquatic ecosystem restoration, Stockton
13 Deep Water Ship Channel and lower San Joaquin
14 River, California.

15 (6) SWEETWATER RESERVOIR, SAN DIEGO
16 COUNTY, CALIFORNIA.—Project for aquatic eco-
17 system restoration, Sweetwater Reservoir, San Diego
18 County, California, including efforts to address
19 invasive aquatic plant species.

20 (7) BISCAYNE BAY, FLORIDA.—Project for
21 aquatic ecosystem restoration, Biscayne Bay, Key
22 Biscayne, Florida.

23 (8) DESTIN HARBOR, FLORIDA.—Project for
24 aquatic ecosystem restoration, Destin Harbor, Flor-
25 ida.

1 (9) CHATTAHOOCHEE RIVER, COLUMBUS, GEOR-
 2 GIA, AND PHENIX CITY, ALABAMA.—Project for
 3 aquatic ecosystem restoration, City Mills Dam and
 4 Eagle and Phenix Dam, Chattahoochee River, Co-
 5 lumbus, Georgia, and Phenix City, Alabama.

6 (10) CHATTAHOOCHEE RIVER AND OCMULGEE
 7 RIVER BASINS, GEORGIA.—Project for aquatic eco-
 8 system restoration, Chattahoochee River and
 9 Ocmulgee River basins, Gwinnett County, Georgia.

10 (11) SNAKE RIVER, JEROME, IDAHO.—Project
 11 for aquatic ecosystem restoration, Snake River, Je-
 12 rome, Idaho.

13 **SEC. 1007. SMALL PROJECTS FOR SHORELINE PROTEC-**
 14 **TION.**

15 The Secretary shall conduct a study for the following
 16 project and, if the Secretary determines that the project
 17 is feasible, may carry out the project under section 3 of
 18 the Act entitled “An Act authorizing Federal participation
 19 in the cost of protecting the shores of publicly owned prop-
 20 erty”, approved August 13, 1946 (33 U.S.C. 426g):
 21 Project for shoreline protection, Nelson Lagoon, Alaska.

22 **SEC. 1008. SMALL PROJECTS FOR SNAGGING AND SEDI-**
 23 **MENT REMOVAL.**

24 The Secretary shall conduct a study for the following
 25 project and, if the Secretary determines that the project

1 is feasible, the Secretary may carry out the project under
 2 section 2 of the Flood Control Act of August 28, 1937
 3 (33 U.S.C. 701g): Project for removal of snags and clear-
 4 ing and straightening of channels for flood control,
 5 Kowawese Unique Area and Hudson River, New Windsor,
 6 New York.

7 **TITLE II—GENERAL PROVISIONS**

8 **SEC. 2001. ANNUAL PASSES FOR RECREATION.**

9 Section 208(c)(4) of the Water Resources Develop-
 10 ment Act of 1996 (16 U.S.C. 460d–3 note; 110 Stat.
 11 3681; 113 Stat. 294) is amended by striking “the Decem-
 12 ber 31, 2003” and inserting “December 31, 2004”.

13 **SEC. 2002. NON-FEDERAL CONTRIBUTIONS.**

14 Section 103 of the Water Resources Development Act
 15 of 1986 (33 U.S.C. 2213) is amended by adding at the
 16 end the following:

17 “(n) NON-FEDERAL CONTRIBUTIONS.—

18 “(1) PROHIBITION ON SOLICITATION OF EX-
 19 CESS CONTRIBUTIONS.—The Secretary may not so-
 20 licit contributions from non-Federal interests for
 21 costs of constructing authorized water resources de-
 22 velopment projects or measures in excess of the non-
 23 Federal share assigned to the appropriate project
 24 purposes listed in subsections (a), (b), and (c) or

1 condition Federal participation in such projects or
2 measures on the receipt of such contributions.

3 “(2) LIMITATION ON STATUTORY CONSTRU-
4 TION.—Nothing in this subsection shall be construed
5 to affect the Secretary’s authority under section
6 903(c) of this Act.”.

7 **SEC. 2003. HARBOR COST SHARING.**

8 (a) PAYMENTS DURING CONSTRUCTION.—Section
9 101(a)(1) of the Water Resources Development Act of
10 1986 (33 U.S.C. 2211(a)(1); 100 Stat. 4082) is amended
11 in each of subparagraphs (B) and (C) by striking “45
12 feet” and inserting “53 feet”.

13 (b) OPERATION AND MAINTENANCE.—Section
14 101(b)(1) of such Act (33 U.S.C. 2211(b)(1)) is amended
15 by striking “45 feet” and inserting “53 feet”.

16 (c) DEFINITIONS.—Section 214 of such Act (33
17 U.S.C. 2241; 100 Stat. 4108) is amended in each of para-
18 graphs (1) and (3) by striking “45 feet” and inserting
19 “53 feet”.

20 (d) APPLICABILITY.—The amendments made by sub-
21 sections (a), (b), and (c) shall apply only to a project, or
22 separable element of a project, on which a contract for
23 physical construction has not been awarded before the
24 date of enactment of this Act.

1 **SEC. 2004. FUNDING TO PROCESS PERMITS.**

2 Section 214(a) of the Water Resources Development
3 Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is
4 amended by striking “2003” and inserting “2005”.

5 **SEC. 2005. NATIONAL SHORELINE EROSION CONTROL DE-**
6 **VELOPMENT AND DEMONSTRATION PRO-**
7 **GRAM.**

8 (a) EXTENSION OF PROGRAM.—Section 5(a) of the
9 Act entitled “An Act authorizing Federal participation in
10 the cost of protecting the shores of publicly owned prop-
11 erty”, approved August 13, 1946 (33 U.S.C. 426h(a)), is
12 amended by striking “6 years” and inserting “10 years”.

13 (b) EXTENSION OF PLANNING, DESIGN, AND CON-
14 STRUCTION PHASE.—Section 5(b)(1)(A) of such Act (33
15 U.S.C. 426h(b)(1)(A)) is amended by striking “3 years”
16 and inserting “6 years”.

17 (c) COST-SHARING; REMOVAL OF PROJECTS.—Sec-
18 tion 5(b) of such Act (33 U.S.C. 426h(b)) is amended—

19 (1) by redesignating paragraphs (3) and (4) as
20 paragraphs (5) and (6), respectively; and

21 (2) by inserting after paragraph (2) the fol-
22 lowing:

23 “(3) COST SHARING.—The Secretary may enter
24 into a cost-sharing agreement with a non-Federal in-
25 terest to carry out a project, or a phase of a project,

1 under the erosion control program in cooperation
2 with the non-Federal interest.

3 “(4) REMOVAL OF PROJECTS.—The Secretary
4 may pay all or a portion of the costs of removing a
5 project, or an element of a project, constructed
6 under the erosion control program if the Secretary
7 determines during the term of the program that the
8 project or element is detrimental to the environment,
9 private property, or public safety.”.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
11 5(e)(2) of such Act (33 U.S.C. 426h(e)(2)) is amended
12 by striking “\$21,000,000” and inserting “\$31,000,000”.

13 **SEC. 2006. WRITTEN AGREEMENT FOR WATER RESOURCES**
14 **PROJECTS.**

15 (a) PARTNERSHIP AGREEMENTS.—Section 221 of
16 the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is
17 amended—

18 (1) in subsection (a)—

19 (A) by striking “under the provisions” and
20 all that follows through “under any other” and
21 inserting “under any”;

22 (B) by striking “to furnish its required co-
23 operation for” and inserting “under which each
24 party agrees to carry out its responsibilities and

1 requirements for implementation or construc-
2 tion of”; and

3 (C) by inserting after “\$25,000.” the fol-
4 lowing: “Such agreement may include a provi-
5 sion for damages in the event of a failure of one
6 or more parties to perform.”;

7 (2) by redesignating subsection (e) as sub-
8 section (f); and

9 (3) by inserting after subsection (d) the fol-
10 lowing:

11 “(e) LIMITATION.—Nothing in subsection (a) shall be
12 construed as limiting the authority of the Secretary to en-
13 sure that a agreement under this section meets all require-
14 ments of law and policies of the Secretary in effect on the
15 date of entry into the agreement.”.

16 (b) LOCAL COOPERATION.—Section 912(b) of the
17 Water Resources Development Act of 1986 (101 Stat.
18 4190) is amended—

19 (1) in paragraph (2)—

20 (A) by striking “shall” the first place it
21 appears and inserting “may”; and

22 (B) by striking the last sentence; and

23 (2) in paragraph (4)—

24 (A) by inserting after “injunction, for” the
25 following: “payment of damages or, for”;

1 (B) by striking “to collect a civil penalty
2 imposed under this section,”; and

3 (C) by striking “any civil penalty imposed
4 under this section,” and inserting “any liq-
5 uidated damages,”.

6 (c) APPLICABILITY.—The amendments made by sub-
7 sections (a) and (b) only apply to partnership agreements
8 entered into after the date of enactment of this Act; except
9 that at the request of a non-Federal interest for a project
10 the district engineer for the district in which the project
11 is located may amend a project partnership agreement en-
12 tered into on or before such date and under which con-
13 struction on the project has not been initiated as of such
14 date of enactment for the purpose of incorporating such
15 amendments.

16 (d) PARTNERSHIP AND COOPERATIVE ARRANGE-
17 MENTS.—

18 (1) IN GENERAL.—Agreements entered into
19 under section 221 of the Flood Control Act of 1970
20 (42 U.S.C. 1962d–5(b)) shall further partnership
21 and cooperative arrangements with non-Federal in-
22 terests and shall be referred to as “partnership
23 agreements”.

24 (2) REFERENCES TO COOPERATION AGREE-
25 MENTS.—Any reference in a law, regulation, docu-

1 ment, or other paper of the United States to a co-
2 operation agreement or project cooperation agree-
3 ment shall be treated to be a reference to a partner-
4 ship agreement or a project partnership agreement,
5 respectively.

6 (3) REFERENCES TO PARTNERSHIP AGREE-
7 MENTS.—Any reference to a partnership agreement
8 or project partnership agreement in this Act (other
9 than this section) shall be treated as a reference to
10 a cooperation agreement or a project cooperation
11 agreement, respectively.

12 (e) ENTRY OF AGREEMENT WITH DISTRICT ENGI-
13 NEER.—After January 1, 2005, the agreement required
14 to be entered into under section 221(a) of the Flood Con-
15 trol Act of 1970 (42 U.S.C. 1962d–5b(a)) shall be entered
16 into with the district engineer for the district in which the
17 project will be carried out, unless, before that date, the
18 Secretary issues policies and guidelines for partnership
19 agreements and delegates to the district engineers, at a
20 minimum—

21 (1) the authority to approve any policy in a
22 partnership agreement that has appeared in an
23 agreement previously approved by the Secretary;

24 (2) the authority to approve any policy in a
25 partnership agreement the specific terms of which

1 are dictated by law, or by a final feasibility study,
2 final environmental impact statement, or other final
3 decision document for a water resources development
4 project;

5 (3) the authority to approve any partnership
6 agreement that complies with the policies and guide-
7 lines issued by the Secretary; and

8 (4) the authority to sign any partnership agree-
9 ment for any water resources development project
10 unless, within 30 days of the date of authorization
11 of the project, the Secretary notifies the district en-
12 gineer in which the project will be carried out that
13 the Secretary wishes to retain the prerogative to
14 sign the partnership agreement for that project.

15 (f) PUBLIC AVAILABILITY.—Not later than the 120th
16 day following the date of enactment of this Act, the Chief
17 of Engineers shall ensure that each district engineer has
18 made available on the Internet all partnership agreements
19 entered into under section 221 of the Flood Control Act
20 of 1970 (42 U.S.C. 1962d–5(b)) within the preceding 10
21 years and all partnership agreements for water resources
22 development projects currently being carried out in that
23 district and shall make any partnership agreements en-
24 tered into after such date of enactment available on the

1 Internet within 7 days of the date on which such agree-
2 ment is entered into.

3 **SEC. 2007. ASSISTANCE FOR REMEDIATION, RESTORATION,**
4 **AND REUSE.**

5 (a) IN GENERAL.—The Secretary may provide to
6 State and local governments assessment, planning, and
7 design assistance for remediation, environmental restora-
8 tion, or reuse of areas located within the boundaries of
9 such State or local governments where such remediation,
10 environmental restoration, or reuse will contribute to the
11 improvement of water quality or the conservation of water
12 and related resources of drainage basins and watersheds
13 within the United States.

14 (b) NON-FEDERAL SHARE.—The non-Federal share
15 of the cost of assistance provided under subsection (a)
16 shall be 50 percent.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$30,000,000 for each of fiscal years 2004 through 2008.

20 **SEC. 2008. COMPILATION OF LAWS.**

21 Within one year after the date of enactment of this
22 Act, the laws of the United States relating to the improve-
23 ment of rivers and harbors, flood control, beach erosion,
24 and other water resources development enacted after No-
25 vember 8, 1966, and before January 1, 2004, shall be

1 compiled under the direction of the Secretary and the
2 Chief of Engineers and printed for the use of the Depart-
3 ment of the Army, Congress, and the general public. The
4 Secretary shall reprint the volumes containing such laws
5 enacted before November 8, 1966. In addition, the Sec-
6 retary shall include an index in each volume so compiled
7 or reprinted. Not later than December 1, 2004, the Sec-
8 retary shall transmit at least 25 copies of each such vol-
9 ume to the Committee on Transportation and Infrastruc-
10 ture of the House of Representatives and the Committee
11 on Environment and Public Works of the Senate.

12 **SEC. 2009. DREDGED MATERIAL DISPOSAL.**

13 Section 217 of the Water Resources Development Act
14 of 1996 (33 U.S.C. 2326a; 110 Stat. 3694–3696) is
15 amended—

16 (1) by redesignating subsection (c) as sub-
17 section (d);

18 (2) by inserting after subsection (b) the fol-
19 lowing:

20 “(c) GOVERNMENTAL PARTNERSHIPS.—

21 “(1) IN GENERAL.—The Secretary may enter
22 into cost-sharing agreements with 1 or more non-
23 Federal public interests with respect to a project, or
24 group of projects within a geographic region if ap-
25 propriate, for the acquisition, design, construction,

1 management, or operation of a dredged material
2 processing, treatment, contaminant reduction, or
3 disposal facility (including any facility used to dem-
4 onstrate potential beneficial uses of dredged mate-
5 rial, which may include effective sediment contami-
6 nant reduction technologies) using funds provided in
7 whole or in part by the Federal Government. One or
8 more of the parties of the agreement may perform
9 the acquisition, design, construction, management,
10 or operation of a dredged material processing, treat-
11 ment, or disposal facility. If appropriate, the Sec-
12 retary may combine portions of separate construc-
13 tion or maintenance appropriations from separate
14 Federal projects with the appropriate combined cost-
15 sharing between the various projects when the facil-
16 ity serves to manage dredged material from multiple
17 Federal projects located in the geographic region of
18 the facility.

19 “(2) PUBLIC FINANCING.—

20 “(A) AGREEMENTS.—

21 “(i) SPECIFIED FEDERAL FUNDING
22 SOURCES AND COST SHARING.—The cost-
23 sharing agreement used shall clearly speci-
24 fy the Federal funding sources and com-
25 bined cost-sharing when applicable to mul-

1 tiple Federal navigation projects and the
2 responsibilities and risks of each of the
3 parties related to present and future
4 dredged material managed by the facility.

5 “(ii) MANAGEMENT OF SEDIMENTS.—

6 The cost-sharing agreement may include
7 the management of sediments from the
8 maintenance dredging of Federal naviga-
9 tion projects that do not have partnership
10 agreements. The cost-sharing agreement
11 may allow the non-Federal sponsor to re-
12 ceive reimbursable payments from the Fed-
13 eral Government for commitments made by
14 the sponsor for disposal or placement ca-
15 pacity at dredged material treatment, proc-
16 essing, contaminant reduction, or disposal
17 facilities.

18 “(iii) CREDIT.—The cost-sharing

19 agreement may allow costs incurred prior
20 to execution of a partnership agreement
21 for construction or the purchase of equip-
22 ment or capacity for the project to be cred-
23 ited according to existing cost-sharing
24 rules.

1 “(B) CREDIT.—Nothing in this subsection
2 supersedes or modifies existing agreements be-
3 tween the Federal Government and any non-
4 Federal sponsors for the cost-sharing, construc-
5 tion, and operation and maintenance of Federal
6 navigation projects. Subject to the approval of
7 the Secretary and in accordance with existing
8 laws, regulations, and policies, a non-Federal
9 public sponsor of a Federal navigation project
10 may seek credit for funds provided in the acqui-
11 sition, design, construction, management, or op-
12 eration of a dredged material processing, treat-
13 ment, or disposal facility to the extent the facil-
14 ity is used to manage dredged material from
15 the Federal navigation project. The non-Federal
16 sponsor shall be responsible for providing all
17 necessary lands, easements, rights-of-way, or
18 relocations associated with the facility and shall
19 receive credit for these items.”; and

20 (3) in each of subsections (d)(1) and (d)(2)(A),
21 as so redesignated—

22 (A) by inserting “and maintenance” after
23 “operation”; and

1 (B) by inserting “processing, treatment,
2 or” after “dredged material” the first place it
3 appears.

4 **SEC. 2010. WETLANDS MITIGATION.**

5 In carrying out a water resources project that in-
6 volves wetlands mitigation and that has impacts that occur
7 within the service area of a mitigation bank, the Secretary,
8 to the maximum extent practicable and where appropriate,
9 shall give preference to the use of the mitigation bank if
10 the bank contains sufficient available credits to offset the
11 impact and the bank is approved in accordance with the
12 Federal Guidance for the Establishment, Use and Oper-
13 ation of Mitigation Banks (60 Fed. Reg. 58605) or other
14 applicable Federal law (including regulations).

15 **SEC. 2011. REMOTE AND SUBSISTENCE HARBORS.**

16 (a) IN GENERAL.—In conducting a study of harbor
17 and navigation improvements, the Secretary may rec-
18 ommend a project without the need to demonstrate that
19 the project is justified solely by national economic develop-
20 ment benefits if the Secretary determines that—

21 (1)(A) the community to be served by the
22 project is at least 70 miles from the nearest surface
23 accessible commercial port and has no direct rail or
24 highway link to another community served by a sur-
25 face accessible port or harbor; or

1 (B) the project would be located in the Com-
2 monwealth of Puerto Rico, Guam, the Common-
3 wealth of the Northern Mariana Islands, or Amer-
4 ican Samoa;

5 (2) the harbor is economically critical such that
6 over 80 percent of the goods transported through
7 the harbor would be consumed within the community
8 served by the harbor and navigation improvement;
9 and

10 (3) the long-term viability of the community
11 would be threatened without the harbor and naviga-
12 tion improvement.

13 (b) JUSTIFICATION.—In considering whether to rec-
14 ommend a project under subsection (a), the Secretary
15 shall consider the benefits of the project to—

16 (1) public health and safety of the local commu-
17 nity, including access to facilities designed to protect
18 public health and safety;

19 (2) access to natural resources for subsistence
20 purposes;

21 (3) local and regional economic opportunities;

22 (4) welfare of the local population; and

23 (5) social and cultural value to the community.

1 **SEC. 2012. BENEFICIAL USES OF DREDGED MATERIAL.**

2 (a) IN GENERAL.—Section 204 of the Water Re-
3 sources Development Act of 1992 (33 U.S.C. 2326) is
4 amended by striking subsections (c) through (g) and in-
5 serting the following:

6 “(c) IN GENERAL.—The Secretary may carry out
7 projects to transport and place suitable material dredged
8 in connection with the construction, operation, or mainte-
9 nance of an authorized navigation project at locations se-
10 lected by a non-Federal entity for use in the construction,
11 repair, or rehabilitation of projects determined by the Sec-
12 retary to be in the public interest and associated with navi-
13 gation, flood damage reduction, hydroelectric power, mu-
14 nicipal and industrial water supply, agricultural water
15 supply, recreation, hurricane and storm damage reduction,
16 aquatic plant control, and environmental protection and
17 restoration.

18 “(d) COOPERATIVE AGREEMENT.—Any project un-
19 dertaken pursuant to this section shall be initiated only
20 after non-Federal interests have entered into an agree-
21 ment with the Secretary in which the non-Federal inter-
22 ests agree to pay the non-Federal share of the cost of con-
23 struction of the project and 100 percent of the cost of
24 operation, maintenance, replacement, and rehabilitation of
25 the project in accordance with section 103 of the Water
26 Resources Development Act of 1986 (33 U.S.C. 2213).

1 “(e) SPECIAL RULE.—Construction of a project
2 under subsection (a) for the protection and restoration of
3 aquatic and ecologically related habitat the cost of which
4 does not exceed \$750,000 and which will be located in a
5 disadvantaged community as determined by the Secretary
6 may be carried out at Federal expense.

7 “(f) DETERMINATION OF CONSTRUCTION COSTS.—
8 Costs associated with construction of a project under this
9 section shall be limited solely to construction costs that
10 are in excess of those costs necessary to carry out the
11 dredging for construction, operation, or maintenance of
12 the authorized navigation project in the most cost effective
13 way, consistent with economic, engineering, and environ-
14 mental criteria.

15 “(g) SELECTION OF DREDGED MATERIAL DISPOSAL
16 METHOD.—In developing and carrying out a project for
17 navigation involving the disposal of dredged material, the
18 Secretary may select, with the consent of the non-Federal
19 interest, a disposal method that is not the least-cost option
20 if the Secretary determines that the incremental costs of
21 such disposal method are reasonable in relation to the en-
22 vironmental benefits, including the benefits to the aquatic
23 environment to be derived from the creation of wetlands
24 and control of shoreline erosion. The Federal share of such

1 incremental costs shall be determined in accordance with
2 subsection (d).

3 “(h) NONPROFIT ENTITIES.—Notwithstanding sec-
4 tion 221 of the Flood Control Act of 1970 (42 U.S.C.
5 1962d–5b), for any project carried out under this section,
6 a non-Federal interest may include a nonprofit entity, with
7 the consent of the affected local government.

8 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated \$30,000,000 annually for
10 projects under this section of which not more than
11 \$3,000,000 annually may be used for construction of
12 projects described in subsection (e). Such sums shall re-
13 main available until expended.

14 “(j) REGIONAL SEDIMENT MANAGEMENT PLAN-
15 NING.—In consultation with appropriate State and Fed-
16 eral agencies, the Secretary may develop, at Federal ex-
17 pense, plans for regional management of material dredged
18 in conjunction with the construction, operation, or mainte-
19 nance of navigation projects, including potential beneficial
20 uses of dredged material for construction, repair, or reha-
21 bilitation of public projects for navigation, flood damage
22 reduction, hydroelectric power, municipal and industrial
23 water supply, agricultural water supply, recreation, hurri-
24 cane and storm damage reduction, aquatic plant control,
25 and environmental protection and restoration.”.

1 (b) REPEAL.—

2 (1) IN GENERAL.—Section 145 of the Water
3 Resources Development Act of 1976 (33 U.S.C.
4 426j) is repealed.

5 (2) HOLD HARMLESS.—The repeal made by
6 paragraph (1) shall not affect the authority of the
7 Secretary to complete any project being carried out
8 under such section 145 on the day before the date
9 of enactment of this Act.

10 (c) PRIORITY AREAS.—In carrying out section 204
11 of the Water Resources Development Act of 1992 (33
12 U.S.C. 2326), the Secretary shall give priority to a project
13 for the beaches of Bogues Bank in the vicinity of More-
14 head City, North Carolina, and a project in the vicinity
15 of the Smith Point Park Pavilion and the TWA Flight
16 800 Memorial, Brookhaven, New York.

17 **SEC. 2013. COST SHARING PROVISIONS FOR CERTAIN**
18 **AREAS.**

19 Section 1156 of the Water Resources Development
20 Act of 1986 (33 U.S.C. 2310; 100 Stat. 4256) is amended
21 to read as follows:

22 **“SEC. 1156. COST SHARING PROVISIONS FOR CERTAIN**
23 **AREAS.**

24 “The Secretary shall waive local cost-sharing require-
25 ments up to \$500,000 for all studies and projects in the

1 Commonwealth of Puerto Rico, American Samoa, Guam,
2 the Commonwealth of the Northern Mariana Islands, and
3 the United States Virgin Islands, in Indian country (as
4 defined in section 1151 of title 18, United States Code,
5 and including lands that are within the jurisdictional area
6 of an Oklahoma Indian tribe, as determined by the Sec-
7 retary of the Interior, and are recognized by the Secretary
8 of the Interior as eligible for trust land status under part
9 151 of title 25, Code of Federal Regulations) or on land
10 in the State of Alaska owned by an Alaska Native Re-
11 gional Corporation or an Alaska Native Village Corpora-
12 tion (as those terms are defined in the Alaska Native
13 Claims Settlement Act (43 U.S.C. 1601 et seq.)) or the
14 Metlakatla Indian community.”.

15 **SEC. 2014. REVISION OF PROJECT PARTNERSHIP AGREE-**
16 **MENT.**

17 Upon authorization by law of an increase in the max-
18 imum amount of Federal funds that may be allocated for
19 a project or an increase in the total cost of a project au-
20 thorized to be carried out by the Secretary, the Secretary
21 shall revise the project partnership agreement for the
22 project to take into account the change in Federal partici-
23 pation in the project.

1 **SEC. 2015. COST SHARING.**

2 An increase in the maximum amount of Federal
3 funds that may be allocated for a project or an increase
4 in the total cost of a project authorized to be carried out
5 by the Secretary shall not affect any cost sharing require-
6 ment applicable to the project under title I of the Water
7 Resources Development Act of 1986 (33 U.S.C. 2211 et
8 seq.).

9 **SEC. 2016. CREDIT FOR WORK PERFORMED BEFORE PART-**
10 **nership Agreement.**

11 If the Secretary is authorized to credit toward the
12 non-Federal share the cost of work carried out by the non-
13 Federal interest before the date of the partnership agree-
14 ment for the project and such work has not been carried
15 out as of the date of enactment of this Act, the Secretary
16 shall enter into an agreement with the non-Federal inter-
17 est for the project under which the non-Federal interest
18 shall carry out such work, and the credit shall apply only
19 to work carried out under the agreement.

20 **SEC. 2017. RECREATION USER FEE REVENUES.**

21 Section 225 of the Water Resources Development Act
22 of 1999 (113 Stat. 297–298) is amended—

23 (1) in subsection (a)(1) by striking “During fis-
24 cal years 1999 through 2002, the” and inserting
25 “The”; and

1 (2) in subsection (a)(3) by striking “September
2 30, 2005” and inserting “expended”.

3 **SEC. 2018. EXPEDITED ACTIONS FOR EMERGENCY FLOOD**
4 **DAMAGE REDUCTION.**

5 The Secretary shall expedite any authorized planning,
6 design, and construction of any project for flood damage
7 reduction for an area that, within the preceding 5 years,
8 has been subject to flooding that resulted in the loss of
9 life and caused damage of sufficient severity and mag-
10 nitude to warrant a declaration of a major disaster by the
11 President under the Robert T. Stafford Disaster and
12 Emergency Relief Act (42 U.S.C. 5121 et seq.).

13 **SEC. 2019. WATERSHED AND RIVER BASIN ASSESSMENTS.**

14 (a) IN GENERAL.—Section 729 of the Water Re-
15 sources Development Act of 1986 (33 U.S.C. 2267a; 114
16 Stat. 2587–2588; 100 Stat. 4164) is amended—

17 (1) in subsection (d)—

18 (A) by striking “and” at the end of para-
19 graph (4);

20 (B) by striking the period at the end of
21 paragraph (5) and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(6) Sacramento-San Joaquin Delta, Cali-
24 fornia.”;

1 (2) by striking paragraph (1) of subsection (f)
2 and inserting the following:

3 “(1) NON-FEDERAL SHARE.—The non-Federal
4 share of the costs of an assessment carried out
5 under this section on or after December 11, 2000,
6 shall be 25 percent.”; and

7 (3) by striking subsection (g).

8 (b) REVISION OF PARTNERSHIP AGREEMENT.—The
9 Secretary shall revise the partnership agreement for any
10 assessment being carried out under such section 729 to
11 take into account the change in non-Federal participation
12 in the assessment as a result of the amendments made
13 by subsection (a).

14 **SEC. 2020. TRIBAL PARTNERSHIP PROGRAM.**

15 Section 203(b)(1)(B) of the Water Resources Devel-
16 opment Act of 2000 (33 U.S.C. 2269(b)(1)(B); 114 Stat.
17 2589) is amended by inserting after “Code” the following
18 “, and including lands that are within the jurisdictional
19 area of an Oklahoma Indian tribe, as determined by the
20 Secretary of the Interior, and are recognized by the Sec-
21 retary of the Interior as eligible for trust land status under
22 part 151 of title 25, Code of Federal Regulations”.

1 **SEC. 2021. TREATMENT OF CERTAIN SEPARABLE ELE-**
2 **MENTS.**

3 (a) IN GENERAL.—If, in carrying out a water re-
4 sources project, the Secretary identifies a separable ele-
5 ment that would advance a primary mission of the Corps
6 of Engineers, with benefits that could be achieved more
7 cost-effectively if carried out in conjunction with the
8 project, the Secretary, in consultation with the non-Fed-
9 eral interest, may carry out such separable element at
10 Federal expense if the cost of such separable element does
11 not exceed 3 percent of the Federal project cost and does
12 not exceed \$1,000,000.

13 (b) OPERATION AND MAINTENANCE.—Operation and
14 maintenance of a separable element of a project carried
15 out under this section shall be a non-Federal responsi-
16 bility.

17 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
18 Nothing in this section shall be construed to increase the
19 amount authorized to be appropriated for a project beyond
20 that amount authorized by law or to provide a separate
21 authorization of appropriations.

22 **SEC. 2022. PROSECUTION OF WORK.**

23 Section 10 of the Rivers and Harbors Act of Sep-
24 tember 22, 1922 (33 U.S.C. 621; 42 Stat. 1043), is
25 amended by inserting after “harbors” the following: “, in-

cluding any planning, engineering, design, construction,
operation, and maintenance.”.

SEC. 2023. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C.
1856a-1; 105 Stat. 1034) is amended by inserting “the
Secretary of the Army,” after “the Secretary of Energy,”.

SEC. 2024. CREDIT FOR NONCONSTRUCTION SERVICES.

(a) IN GENERAL.—The Secretary is authorized to
allow a non-Federal interest credit toward its share of
project costs for any authorized water resources develop-
ment project for the cost of materials and in-kind services,
including design and management services but not includ-
ing construction, provided by the non-Federal interest for
implementation of the project.

(b) LIMITATION.—Credit authorized under sub-
section (a)—

(1) shall not exceed the non-Federal share of
project costs;

(2) shall not alter any other requirements that
require a non-Federal interest to provide lands, ease-
ments, rights-of-way, and dredged material disposal
areas for the project;

(3) shall not exceed the actual and reasonable
costs of the materials or in-kind services provided by

1 the non-Federal interest, as determined by the Sec-
 2 retary; and

3 (4) shall not be allowed unless the Secretary
 4 has determined that such materials or services are
 5 compatible with and necessary for the project.

6 **SEC. 2025. TECHNICAL ASSISTANCE.**

7 Section 22 of Water Resources Development Act of
 8 1974 (42 U.S.C. 1962d–16) is amended—

9 (1) in subsection (a) by striking “The Sec-
 10 retary” and inserting the following:

11 “(a) FEDERAL STATE COOPERATION.—

12 “(1) COMPREHENSIVE PLANS.—The Sec-
 13 retary”;

14 (2) by inserting after the last sentence in sub-
 15 section (a) the following:

16 “(2) TECHNICAL ASSISTANCE.—

17 “(A) IN GENERAL.—At the request of
 18 a governmental agency or non-Federal in-
 19 terest, the Secretary may provide, at Fed-
 20 eral expense, technical assistance to such
 21 agency or non-Federal interest in man-
 22 aging water resources.

23 “(B) TYPES OF ASSISTANCE.—Tech-
 24 nical assistance under this paragraph may
 25 include provision and integration of hydro-

1 logic, economic, and environmental data
2 and analyses.”

3 (3) in subsection (b)(1) by striking “this sec-
4 tion” each place it appears and inserting “subsection
5 (a)(1)”;

6 (4) in subsection (c) by striking “(c) There is”
7 and inserting the following:

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) FEDERAL AND STATE COOPERATION.—
10 There is”;

11 (5) in subsection (c) strike “the provisions of
12 this section” and insert “subsection (a)(1);” and

13 (6) by inserting at the end of subsection (c) the
14 following:

15 “(2) TECHNICAL ASSISTANCE.—There is au-
16 thorized to be appropriated \$5,000,000 annually to
17 carry out subsection (a)(2), of which not more than
18 \$2,000,000 annually may be used by the Secretary
19 to enter into cooperative agreements with nonprofit
20 organizations to provide assistance to rural and
21 small communities.”.

22 **SEC. 2026. CENTERS OF SPECIALIZED PLANNING EXPER-**
23 **TISE.**

24 (a) ESTABLISHMENT.—The Secretary is authorized
25 to establish centers to provide specialized planning exper-

1 tise for water resources projects to be carried out by the
2 Secretary to enhance and supplement the capabilities of
3 the districts of the Army Corps of Engineers.

4 (b) DUTIES.—A center of expertise shall have the fol-
5 lowing duties:

6 (1) Providing technical and managerial assist-
7 ance to district engineers for project planning, devel-
8 opment, and implementation.

9 (2) Providing peer reviews of new major sci-
10 entific, engineering, or economic methods, models or
11 analyses that will be used to support decisions of the
12 Secretary with respect to feasibility studies.

13 (3) Providing support for external peer review
14 panels convened by the Secretary.

15 (4) Performing such other duties as prescribed
16 by the Secretary.

17 **SEC. 2027. COORDINATION AND SCHEDULING OF FEDERAL,**
18 **STATE, AND LOCAL ACTIONS.**

19 (a) NOTICE OF INTENT.—Upon request of the non-
20 Federal interest in the form of a written notice of intent
21 to construct or modify a non-Federal water supply, waste-
22 water infrastructure, flood damage reduction, environ-
23 mental restoration, or navigation project that requires the
24 approval of the Secretary, the Secretary shall initiate, sub-
25 ject to subsection (g)(1), procedures to establish a sched-

1 rule for consolidating Federal, State, and local agency and
2 Indian tribe environmental assessments, project reviews,
3 and issuance of all permits for the construction or modi-
4 fication of the project. The non-Federal interest shall sub-
5 mit to the Secretary, with the notice of intent, studies and
6 documentation, including environmental reviews, that may
7 be required by Federal law for decisionmaking on the pro-
8 posed project. All States and Indian tribes having jurisdic-
9 tion over the proposed project shall be invited by the Sec-
10 retary, but shall not be required, to participate in carrying
11 out this section with respect to the project.

12 (b) PROCEDURAL REQUIREMENTS.—Within 15 days
13 after receipt of notice under subsection (a), the Secretary
14 shall publish such notice in the Federal Register. The Sec-
15 retary also shall provide written notification of the receipt
16 of a notice under subsection (a) to all State and local
17 agencies and Indian tribes that may be required to issue
18 permits for the construction of the project or related ac-
19 tivities. The Secretary shall solicit the cooperation of those
20 agencies and request their entry into a memorandum of
21 agreement described in subsection (c) with respect to the
22 project. Within 30 days after publication of the notice in
23 the Federal Register, State and local agencies and Indian
24 tribes that intend to enter into the memorandum of agree-

1 ment with respect to the project shall notify the Secretary
2 of their intent in writing.

3 (c) SCHEDULING AGREEMENT.—Within 90 days
4 after the date of receipt of notice under subsection (a)
5 with respect to a project, the Secretary of the Interior,
6 the Secretary of Commerce, and the Administrator of the
7 Environmental Protection Agency, as necessary, and any
8 State or local agencies that have notified the Secretary
9 under subsection (b) shall enter into an agreement with
10 the Secretary establishing a schedule of decisionmaking
11 for approval of the project and permits associated with
12 the project and with related activities.

13 (d) CONTENTS OF AGREEMENT.—An agreement en-
14 tered into under subsection (c) with respect to a project,
15 to the extent practicable, shall consolidate hearing and
16 comment periods, procedures for data collection and re-
17 port preparation, and the environmental review and per-
18 mitting processes associated with the project and related
19 activities. The agreement shall detail, to the extent pos-
20 sible, the non-Federal interest's responsibilities for data
21 development and information that may be necessary to
22 process each permit required for the project, including a
23 schedule when the information and data will be provided
24 to the appropriate Federal, State, or local agency or In-
25 dian tribe.

1 (e) REVISION OF AGREEMENT.—The Secretary may
2 revise an agreement entered into under subsection (c) with
3 respect to a project once to extend the schedule to allow
4 the non-Federal interest the minimum amount of addi-
5 tional time necessary to revise its original application to
6 meet the objections of a Federal, State, or local agency
7 or Indian tribe that is a party to the agreement.

8 (f) FINAL DECISION.—Not later than the final day
9 of a schedule established by an agreement entered into
10 under subsection (c) with respect to a project, the Sec-
11 retary shall notify the non-Federal interest of the final de-
12 cision on the project and whether the permit or permits
13 have been issued.

14 (g) REIMBURSEMENT.—

15 (1) COSTS OF COORDINATION.—The costs in-
16 curred by the Secretary to establish and carry out
17 a schedule to consolidate Federal, State, and local
18 agency and Indian tribe environmental assessments,
19 project reviews, and permit issuance for a project
20 under this section shall be paid by the non-Federal
21 interest.

22 (2) COSTS INCURRED TO EXPEDITE PERMITS
23 AND REVIEWS.—

24 (A) ACCEPTANCE OF NON-FEDERAL
25 FUNDS.—The Secretary may accept funds from

1 the non-Federal interest to hire additional staff
2 or obtain the services of consultants, or to pro-
3 vide financial, technical, and administrative
4 support to agencies that have entered into an
5 agreement with the Secretary under subsection
6 (c) with respect to a project in order to facili-
7 tate the timely processing, review, and comple-
8 tion of applicable Federal, State, and local
9 agency and Indian tribe environmental assess-
10 ments, project reviews, and permits for the
11 project.

12 (B) USE OF FUNDS.—Funds accepted
13 under this paragraph shall be used to supple-
14 ment existing resources of the Secretary or a
15 participating agency.

16 (C) ASSURANCE OF LEVEL OF SERVICE
17 AND IMPARTIALITY.—The Secretary shall en-
18 sure that the Department of the Army and any
19 participating agency that accepts funds under
20 this paragraph shall continue to provide the
21 same level of service to other projects and other
22 responsibilities not covered by this section as it
23 would provide notwithstanding any activities
24 carried out under this section and that accept-
25 ance of such funds will not impact impartial de-

1 cisionmaking either substantively or proce-
2 durally.

3 (h) REPORT ON TIMESAVINGS METHODS.—Not later
4 than 3 years after the date of enactment of this section,
5 the Secretary shall prepare and transmit to Congress a
6 report estimating the time required for the issuance of all
7 Federal, State, local, and tribal permits for the construc-
8 tion of non-Federal projects for water supply, wastewater
9 infrastructure, flood damage reduction, environmental res-
10 toration, and navigation. The Secretary shall include in
11 that report recommendations for further reducing the
12 amount of time required for the issuance of those permits,
13 including any proposed changes in existing law.

14 **SEC. 2028. PROJECT STREAMLINING.**

15 (a) POLICY.—The benefits of water resources
16 projects are important to the Nation’s economy and envi-
17 ronment, and recommendations to Congress regarding
18 such projects should not be delayed due to uncoordinated
19 and sequential environmental reviews or the failure to
20 timely resolve disputes during the development of water
21 resources projects.

22 (b) SCOPE.—This section shall apply to each study
23 initiated after the date of enactment of this Act to develop
24 a feasibility report under section 905 of the Water Re-
25 sources Development Act of 1986 (33 U.S.C. 2282), or

1 a reevaluation report, for a water resources project if the
2 Secretary determines that such study requires an environ-
3 mental impact statement under the National Environ-
4 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

5 (c) WATER RESOURCES PROJECT REVIEW PROC-
6 ESS.—The Secretary shall develop and implement a co-
7 ordinated review process for water resources projects.

8 (d) COORDINATED REVIEWS.—

9 (1) IN GENERAL.—The coordinated review proc-
10 ess under this section shall provide that all environ-
11 mental reviews, analyses, opinions, permits, licenses,
12 and approvals that must be issued or made by a
13 Federal, State, or local government agency or Indian
14 tribe for a water resources project will be conducted
15 concurrently, to the maximum extent practicable,
16 and completed within a time period established by
17 the Secretary, in cooperation with the agencies iden-
18 tified under subsection (e) with respect to the
19 project.

20 (2) AGENCY PARTICIPATION.—Each Federal
21 agency identified under subsection (e) shall formu-
22 late and implement administrative, policy, and pro-
23 cedural mechanisms to enable the agency to ensure
24 completion of environmental reviews, analyses, opin-
25 ions, permits, licenses, and approvals described in

1 paragraph (1) in a timely and environmentally re-
2 sponsible manner.

3 (e) IDENTIFICATION OF JURISDICTIONAL AGEN-
4 CIES.—With respect to each water resources project, the
5 Secretary shall identify, as soon as practicable, all Fed-
6 eral, State, and local government agencies and Indian
7 tribes that may have jurisdiction over environmental-re-
8 lated matters that may be affected by the project or may
9 be required by law to conduct an environmental-related
10 review or analysis of the project or determine whether to
11 issue an environmental-related permit, license, or approval
12 for the project.

13 (f) STATE AUTHORITY.—If a coordinated review
14 process is being implemented under this section by the
15 Secretary with respect to a water resources project within
16 the boundaries of a State, the State, consistent with State
17 law, may choose to participate in such process and provide
18 that all State agencies that have jurisdiction over environ-
19 mental-related matters that may be affected by the project
20 or may be required by law to conduct an environmental-
21 related review or analysis of the project or determine
22 whether to issue an environmental-related permit, license,
23 or approval for the project, be subject to the process.

24 (g) MEMORANDUM OF UNDERSTANDING.—The co-
25 ordinated review process developed under this section may

1 be incorporated into a memorandum of understanding for
2 a project between the Secretary and the heads of other
3 Federal, State, and local government agencies and Indian
4 tribes identified under subsection (e) with respect to the
5 project and the non-Federal interest for the project.

6 (h) EFFECT OF FAILURE TO MEET DEADLINE.—

7 (1) NOTIFICATION OF CONGRESS AND CEQ.—If
8 the Secretary determines that a Federal, State, or
9 local government agency, Indian tribe, or non-Fed-
10 eral interest that is participating in a coordinated
11 review process under this section with respect to a
12 project has not met a deadline established under
13 subsection (d) for the project, the Secretary shall no-
14 tify, within 30 days of the date of such determina-
15 tion, the Committee on Transportation and Infra-
16 structure of the House of Representatives, the Com-
17 mittee on Environment and Public Works of the
18 Senate, the Council on Environmental Quality, and
19 the agency, Indian tribe, or non-Federal interest in-
20 volved about the failure to meet the deadline.

21 (2) AGENCY REPORT.—Not later than 30 days
22 after the date of receipt of a notice under paragraph
23 (1), the Federal, State, or local government agency,
24 Indian tribe, or non-Federal interest involved shall
25 submit a report to the Secretary, the Committee on

1 Transportation and Infrastructure of the House of
2 Representatives, the Committee on Environment and
3 Public Works of the Senate, and the Council on En-
4 vironmental Quality explaining why the agency, In-
5 dian tribe, or non-Federal interest did not meet the
6 deadline and what actions it intends to take to com-
7 plete or issue the required review, analysis, opinion,
8 permit, license, or approval.

9 (i) PURPOSE AND NEED AND DETERMINATION OF
10 REASONABLE ALTERNATIVES.—

11 (1) IN GENERAL.—As an official of the lead
12 Federal agency that is responsible for carrying out
13 a study to which this section applies and its associ-
14 ated process for meeting the requirements of the
15 National Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.) and as the Federal agency with
17 expertise in water resources development, the Sec-
18 retary, in carrying out such study and process,
19 shall—

20 (A) define the purpose and need for the
21 proposed water resources project; and

22 (B) determine which alternatives are rea-
23 sonable and may be reasonably anticipated to
24 meet project purposes and needs.

1 (2) STREAMLINING STUDY.—To streamline a
2 study to which this section applies and its associated
3 process for meeting the requirements of the National
4 Environmental Policy Act of 1969 (42 U.S.C. 4321
5 et seq.), the Secretary may eliminate from consider-
6 ation any alternatives the Secretary determines are
7 not reasonable or are not reasonably anticipated to
8 meet project purposes and needs.

9 (j) SOLICITATION AND CONSIDERATION OF COM-
10 MENTS.—In applying subsection (i), the Secretary shall
11 solicit, consider, and respond to comments from interested
12 persons and governmental entities.

13 (k) CATEGORICAL EXCLUSIONS.—Not later than 120
14 days after the date of enactment of this Act, the Secretary
15 shall develop and publish a list of categorical exclusions
16 from the requirement that an environmental assessment
17 or an environmental impact statement be prepared under
18 the National Environmental Policy Act of 1969 (42 U.S.C.
19 4321 et seq.) for water resources projects.

20 (l) LIMITATIONS.—Nothing in this section shall pre-
21 empt or interfere with—

22 (1) any practice of seeking public comment;

23 (2) any power, jurisdiction, or authority that a
24 Federal, State, or local government agency, Indian

1 tribe, or non-Federal interest has with respect to
2 carrying out a water resources project; or

3 (3) any obligation to comply with the provisions
4 of the National Environmental Policy Act of 1969
5 (42 U.S.C. 4371 et seq.) and the regulations issued
6 by the Council on Environmental Quality to carry
7 out such Act.

8 (m) BENCHMARKS.—Within 12 months of the date
9 of enactment of this Act, the Chief of Engineers shall es-
10 tablish benchmarks for determining the length of time it
11 should take to conduct a feasibility study for a water re-
12 sources development project and its associated review
13 process under the National Environmental Policy Act of
14 1969 (42 U.S.C. 4371 et seq.). Benchmarks may be estab-
15 lished for activities based on project type, size, cost, and
16 complexity. The Chief of Engineers shall use such bench-
17 marks as a management tool to make the feasibility study
18 process more efficient in all districts of the Army Corps
19 of Engineers.

20 **SEC. 2029. LAKES PROGRAM.**

21 Section 602(a) of the Water Resources Development
22 Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat.
23 295) is amended—

24 (1) by striking “and” at end of paragraph (18);

1 (2) by striking the period at the end of para-
2 graph (19) and inserting a semicolon; and

3 (3) by adding at the end the following:

4 “(20) Kinkaid Lake, Jackson County, Illinois,
5 removal of silt and aquatic growth and measures to
6 address excessive sedimentation;

7 “(21) Rogers Pond, Franklin Township, New
8 Jersey, removal of silt and restoration of structural
9 integrity;

10 “(22) Greenwood Lake, Greenwood Lake, New
11 York, removal of silt and aquatic growth; and

12 “(23) Lake Rodgers, Creedmoor, North Caro-
13 lina, removal of silt and excessive nutrients and res-
14 toration of structural integrity.”.

15 **SEC. 2030. MITIGATION FOR FISH AND WILDLIFE LOSSES.**

16 (a) COMPLETION OF MITIGATION.—Section 906(a) of
17 the Water Resources Development Act of 1986 (33 U.S.C.
18 2283(a)) is amended by adding at the following:

19 “(3) COMPLETION OF MITIGATION.—In those
20 instances in which it is not technically practicable to
21 complete mitigation concurrent with the last day of
22 project construction because of the nature of the
23 mitigation to be undertaken, the Secretary shall
24 complete the required mitigation as expeditiously as
25 practicable, but in no case later than the last day of

1 the first fiscal year beginning after the last day of
2 construction of the project or separable element of
3 the project.”.

4 (b) MITIGATION PLAN CONTENTS.—Section 906(d)
5 of such Act (33 U.S.C. 2283(d)) is amended by adding
6 at the end the following:

7 “(3) CONTENTS.—A mitigation plan shall
8 include—

9 “(A) a description of the physical action to
10 be undertaken to achieve the mitigation objec-
11 tives within the watershed in which such losses
12 occur and, in any case in which mitigation must
13 take place outside the watershed, a justification
14 detailing the rationale for undertaking the miti-
15 gation outside of the watershed;

16 “(B) a description of the lands or interests
17 in lands to be acquired for mitigation and the
18 basis for a determination that such lands are
19 available for acquisition;

20 “(C) the type, amount, and characteristics
21 of the habitat being restored;

22 “(D) success criteria for mitigation based
23 on replacement of lost functions and values of
24 the habitat, including hydrologic and vegetative
25 characteristics; and

1 “(E) a plan for any necessary monitoring
2 to determine the success of the mitigation, in-
3 cluding the cost and duration of any moni-
4 toring, and to the extent practicable, the enti-
5 ties responsible for any monitoring.

6 “(4) RESPONSIBILITY FOR MONITORING.—In
7 any case in which it is not practicable to identify in
8 a mitigation plan for a water resources project, the
9 entity responsible for monitoring at the time of a
10 final report of the Chief of Engineers or other final
11 decision document for the project, such entity shall
12 be identified in the partnership agreement entered
13 into with the non-Federal interest.”.

14 (c) STATUS REPORT.—

15 (1) IN GENERAL.—Concurrent with the Presi-
16 dent’s submission to Congress of the President’s re-
17 quest for appropriations for the Civil Works Pro-
18 gram for a fiscal year, the Secretary shall submit to
19 the Committee on Transportation and Infrastructure
20 of the House of Representatives and the Committee
21 on the Environment and Public Works of the Senate
22 a report on the status of construction of projects
23 that require mitigation under section 906 of Water
24 Resources Development Act 1986 (33 U.S.C. 2283;
25 100 Stat. 4186) and the status of such mitigation.

1 (2) PROJECTS INCLUDED.—The status report
2 shall include the status of all projects that are under
3 construction, all projects for which the President re-
4 quests funding for the next fiscal year, and all
5 projects that have completed construction, but have
6 not completed the mitigation required under section
7 906 of the Water Resources Development Act of
8 1986.

9 **SEC. 2031. COOPERATIVE AGREEMENTS.**

10 (a) IN GENERAL.—For the purpose of expediting the
11 cost-effective design and construction of wetlands restora-
12 tion that is part of an authorized water resources project,
13 the Secretary may enter into cooperative agreements
14 under section 6305 of title 31, United States Code, with
15 nonprofit organizations with expertise in wetlands restora-
16 tion to carry out such design and construction on behalf
17 of the Secretary.

18 (b) LIMITATIONS.—

19 (1) PER PROJECT LIMIT.—A cooperative agree-
20 ment under this section shall not obligate the Sec-
21 retary to pay the nonprofit organization more than
22 \$1,000,000 for any single wetlands restoration
23 project.

24 (2) ANNUAL LIMIT.—The total value of work
25 carried out under cooperative agreements under this

1 section may not exceed \$5,000,000 in any fiscal
2 year.

3 **SEC. 2032. PROJECT PLANNING.**

4 (a) OBJECTIVES.—

5 (1) FLOOD CONTROL, NAVIGATION, AND HURRI-
6 CANE AND STORM DAMAGE REDUCTION PROJECTS.—

7 The Federal objective of any study of the feasibility
8 of a water resources project carried out by the Sec-
9 retary for flood damage reduction, navigation, or
10 hurricane and storm damage reduction shall be to
11 maximize the net national economic development
12 benefits associated with the project, consistent with
13 protecting the Nation's environment.

14 (2) ECOSYSTEM RESTORATION PROJECTS.—The
15 Federal objective of any study of the feasibility of a
16 water resources project for ecosystem restoration
17 carried out by the Secretary shall be to maximize
18 the net national ecosystem restoration benefits asso-
19 ciated with the project, consistent with national eco-
20 nomic development.

21 (3) PROJECTS WITH MULTIPLE PURPOSES.—In
22 the case of a study that includes multiple project
23 purposes, the primary and other project purposes
24 shall be evaluated, based on the relevant Federal ob-
25 jective identified under paragraphs (1) and (2).

1 (4) SELECTION OF PROJECT ALTERNATIVES.—

2 (A) IN GENERAL.—Notwithstanding the
3 Federal objectives identified in this subsection,
4 the Secretary may select a project alternative
5 that does not maximize net benefits if there is
6 an overriding reason based upon other Federal,
7 State, local, or international concerns.

8 (B) FLOOD DAMAGE REDUCTION, NAVIGA-
9 TION, AND HURRICANE STORM DAMAGE REDUC-
10 TION PROJECTS.—With respect to a water re-
11 sources project described in paragraph (1), an
12 overriding reason for selecting a plan other
13 than the plan that maximizes national economic
14 development benefits may be if the Secretary
15 determines, and the non-Federal interest con-
16 curs, that an alternative plan is feasible and
17 achieves the project purposes while providing
18 greater ecosystem restoration benefits.

19 (C) ECOSYSTEM RESTORATION
20 PROJECTS.—With respect to a water resources
21 project described in paragraph (2), an over-
22 riding reason for selecting a plan other than the
23 plan that maximizes national ecosystem restora-
24 tion benefits may be if the Secretary deter-
25 mines, and the non-Federal interest concurs,

1 that an alternative is feasible and achieves the
2 project purpose while providing greater eco-
3 nomic development benefits.

4 (b) IDENTIFYING ADDITIONAL BENEFITS AND
5 PROJECTS.—

6 (1) PRIMARILY ECONOMIC BENEFITS.—In con-
7 ducting a study of the feasibility of a project where
8 the primary benefits are expected to be economic,
9 the Secretary may identify ecosystem restoration
10 benefits that may be achieved in the study area and,
11 after obtaining the participation of a non-Federal in-
12 terest, may study and recommend construction of a
13 separate project or separable project element to
14 achieve those benefits.

15 (2) PRIMARILY ECOSYSTEM RESTORATION BEN-
16 EFITS.—In conducting a study of the feasibility of a
17 project where the primary benefits are expected to
18 be associated with ecosystem restoration, the Sec-
19 retary may identify economic benefits that may be
20 achieved in the study area and, after obtaining the
21 participation of a non-Federal interest, may study
22 and recommend construction of a separate project or
23 separable project element to achieve those benefits.

24 (3) RULES APPLICABLE TO IDENTIFIED SEPA-
25 RATE PROJECTS AND ELEMENTS.—Any separate

1 project or separable element identified under para-
2 graph (1) or (2) and recommended for construction
3 shall not be considered integral to the underlying
4 project under study and, if authorized, shall be sub-
5 ject to a separate partnership agreement, unless a
6 non-Federal interest agrees to share in the cost of
7 both projects or separable elements.

8 (c) CALCULATION OF BENEFITS AND COSTS FOR
9 FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility
10 study for a project for flood damage reduction shall in-
11 clude, as part of the calculation of benefits and costs—

12 (1) a calculation of the residual risk of flooding
13 following completion of the proposed project;

14 (2) a calculation of any upstream or down-
15 stream impacts of the proposed project; and

16 (3) calculations to ensure that the benefits and
17 costs associated with structural and nonstructural
18 alternatives are evaluated in an equitable manner.

19 **SEC. 2033. INDEPENDENT PEER REVIEW.**

20 (a) PROJECT STUDIES SUBJECT TO INDEPENDENT
21 PEER REVIEW.—

22 (1) IN GENERAL.—Project studies shall be sub-
23 ject to a peer review by an independent panel of ex-
24 perts as determined under this section.

1 (2) SCOPE.—The peer review may include a re-
2 view of the economic and environmental assumptions
3 and projections, project evaluation data, economic
4 analyses, environmental analyses, engineering anal-
5 yses, formulation of alternative plans, methods for
6 integrating risk and uncertainty, models used in
7 evaluation of economic or environmental impacts of
8 proposed projects, and any biological opinions of the
9 project study.

10 (3) PROJECT STUDIES SUBJECT TO PEER RE-
11 VIEW.—

12 (A) MANDATORY.—A project study shall
13 be subject to peer review under paragraph (1)
14 if the project has an estimated total cost of
15 more than \$50,000,000, including mitigation
16 costs, and is not determined by the Chief of
17 Engineers to be exempt from peer review under
18 paragraph (6).

19 (B) DISCRETIONARY.—A project study
20 may be subject to peer review if—

21 (i) the Governor of an affected State
22 requests a peer review by an independent
23 panel of experts;

24 (ii) the head of a Federal or State
25 agency charged with reviewing the project

1 study determines that the project is likely
2 to have a significant adverse impact on en-
3 vironmental, cultural, or other resources
4 under the jurisdiction of the agency after
5 implementation of proposed mitigation
6 plans and requests a peer review by an
7 independent panel of experts; or

8 (iii) the Chief of Engineers determines
9 that the project study is controversial.

10 (4) CONTROVERSIAL PROJECTS.—Upon receipt
11 of a written request under paragraph (3)(B) or on
12 the initiative of the Chief of Engineers, the Chief of
13 Engineers shall determine whether a project study is
14 controversial.

15 (5) FACTORS TO CONSIDER.—In determining
16 whether a project study is controversial, the Chief of
17 Engineers shall consider if—

18 (A) there is a significant public dispute as
19 to the size, nature, or effects of the project; or

20 (B) there is a significant public dispute as
21 to the economic or environmental costs or bene-
22 fits of the project.

23 (6) PROJECT STUDIES EXCLUDED FROM PEER
24 REVIEW.—Project studies that may be excluded from
25 peer review under paragraph (1) are—

1 (A) a study for a project the Chief of En-
2 gineers determines—

3 (i) is not controversial;

4 (ii) has no more than negligible ad-
5 verse impacts on scarce or unique cultural,
6 historic, or tribal resources;

7 (iii) has no substantial adverse im-
8 pacts on fish and wildlife species and their
9 habitat prior to the implementation of
10 mitigation measures; and

11 (iv) has, before implementation of
12 mitigation measures, no more than a neg-
13 ligible adverse impact on a species listed as
14 endangered or threatened species under
15 the Endangered Species Act of 1973 (16
16 U.S.C. 1539 et seq.) or the critical habitat
17 of such species designated under such Act;
18 and

19 (B) a study for a project pursued under
20 section 205 of the Flood Control Act of 1948
21 (33 U.S.C. 701s), section 2 of the Flood Con-
22 trol Act of August 28, 1937 (33 U.S.C. 701g),
23 section 14 of the Flood Control Act of 1946 (33
24 U.S.C. 701r), section 107(a) of the River and
25 Harbor Act of 1960 (33 U.S.C. 577(a)), section

1 3 of the Act entitled “An Act authorizing Fed-
2 eral participation in the cost of protecting the
3 shores of publicly owned property”, approved
4 August 13, 1946 (33 U.S.C. 426g), section 111
5 of the River and Harbor Act of 1968 (33
6 U.S.C. 426i), section 3 of the Act entitled “An
7 Act authorizing the construction, repair, and
8 preservation of certain public works on rivers
9 and harbors, and for other purposes”, approved
10 March 2, 1945 (33 U.S.C. 603a), section 1135
11 of the Water Resources Development Act of
12 1986 (33 U.S.C. 2309a), section 206 of the
13 Water Resources Development Act of 1996 (33
14 U.S.C. 2330), or section 204 of the Water Re-
15 sources Development Act of 1992 (33 U.S.C.
16 2326).

17 (7) APPEAL.—The decision of the Chief of En-
18 gineers whether to peer review a project study shall
19 be published in the Federal Register and shall be
20 subject to appeal by a person referred to in para-
21 graph (3)(B)(i) or (3)(B)(ii) to the Secretary of the
22 Army if such appeal is made within the 30-day pe-
23 riod following the date of such publication.

24 (8) DETERMINATION OF PROJECT COST.—For
25 purposes of determining the estimated total cost of

1 a project under paragraph (3)(A), the project cost
2 shall be based upon the reasonable estimates of the
3 Chief of Engineers at the completion of the recon-
4 naissance study for the project. If the reasonable es-
5 timate of project costs is subsequently determined to
6 be in excess of the amount in paragraph (3)(A), the
7 Chief of Engineers shall make a determination
8 whether a project study should be reviewed under
9 this section.

10 (b) TIMING OF PEER REVIEW.—The Chief of Engi-
11 neers shall determine the timing of a peer review of a
12 project study under subsection (a). In all cases, the peer
13 review shall occur during the period beginning on the date
14 of the completion of the reconnaissance study for the
15 project and ending on the date the draft report of the
16 Chief of Engineers for the project is made available for
17 public comment. Where the Chief of Engineers has not
18 initiated a peer review of a project study, the Chief of En-
19 gineers shall consider, at a minimum, whether to initiate
20 a peer review at the time that—

- 21 (1) the without project conditions are identified;
22 (2) the array of alternatives to be considered
23 are identified; and
24 (3) the preferred alternative is identified.

1 Nothing in this subsection shall be construed to require
2 the Chief of Engineers to conduct multiple peer reviews
3 for a project study.

4 (c) ESTABLISHMENT OF PANELS.—

5 (1) IN GENERAL.—For each project study sub-
6 ject to peer review under subsection (a), as soon as
7 practicable after the Chief of Engineers determines
8 that a project study will be subject to peer review,
9 the Chief of Engineers shall contract with the Na-
10 tional Academy of Sciences (or a similar independent
11 scientific and technical advisory organization), or an
12 eligible organization, to establish a panel of experts
13 to peer review the project study for technical and
14 scientific sufficiency.

15 (2) MEMBERSHIP.—A panel of experts estab-
16 lished for a project study under this section shall be
17 composed of independent experts who represent a
18 balance of areas of expertise suitable for the review
19 being conducted.

20 (3) LIMITATION ON APPOINTMENTS.—An indi-
21 vidual may not be selected to serve on a panel of ex-
22 perts established for a project study under this sec-
23 tion if the individual has a financial or close profes-
24 sional association with any organization or group

1 with a strong financial or organizational interest in
2 the project.

3 (4) CONGRESSIONAL NOTIFICATION.—Upon
4 identification of a project study for peer review
5 under this section, but prior to initiation of any re-
6 view, the Chief of Engineers shall notify the Com-
7 mittee on Environment and Public Works of the
8 Senate and the Committee on Transportation and
9 Infrastructure of the House of Representatives of
10 such review.

11 (d) DUTIES OF PANELS.—A panel of experts estab-
12 lished for a peer review for a project study under this sec-
13 tion shall, consistent with the scope of the referral for
14 review—

15 (1) conduct a peer review for the project study
16 submitted to the panel for review;

17 (2) assess the adequacy and acceptability of the
18 economic and environmental methods, models, and
19 analyses used by the Chief of Engineers;

20 (3) provide timely written and oral comments to
21 the Chief of Engineers throughout the development
22 of the project study, as requested; and

23 (4) submit to the Chief of Engineers a final re-
24 port containing the panel's economic, engineering,
25 and environmental analysis of the project study, in-

1 including the panel's assessment of the adequacy and
2 acceptability of the economic and environmental
3 methods, models, and analyses used by the Chief of
4 Engineers, to accompany the publication of the
5 project study.

6 (e) DURATION OF PROJECT STUDY PEER RE-
7 VIEWS.—

8 (1) DEADLINE.—A panel of experts shall—

9 (A) complete its peer review under this sec-
10 tion for a project study and submit a report to
11 the Chief of Engineers under subsection (d)(4)
12 within 180 days after the date of establishment
13 of the panel, or, if the Chief of Engineers deter-
14 mines that a longer period of time is necessary,
15 such period of time established by the Chief of
16 Engineers, but in no event later than 90 days
17 after the date a draft project study is made
18 available for public review; and

19 (B) terminate on the date of submission of
20 the report.

21 (2) FAILURE TO MEET DEADLINE.—If a panel
22 does not complete its peer review of a project study
23 under this section and submit a report to the Chief
24 of Engineers under subsection (d)(4) on or before
25 the deadline established by paragraph (1) for the

1 project study, the Chief of Engineers shall continue
2 the project study for the project that is subject to
3 peer review by the panel without delay.

4 (f) RECOMMENDATIONS OF PANEL.—

5 (1) CONSIDERATION BY THE CHIEF OF ENGI-
6 NEERS.—After receiving a report on a project study
7 from a panel of experts under this section and be-
8 fore entering a final record of decision for the
9 project, the Chief of Engineers shall consider any
10 recommendations contained in the report and pre-
11 pare a written response for any recommendations
12 adopted or not adopted.

13 (2) PUBLIC AVAILABILITY AND TRANSMITTAL
14 TO CONGRESS.—After receiving a report on a project
15 study from a panel of experts under this section, the
16 Chief of Engineers shall—

17 (A) make a copy of the report and any
18 written response of the Chief of Engineers on
19 recommendations contained in the report avail-
20 able to the public; and

21 (B) transmit to Congress a copy of the re-
22 port, together with any such written response,
23 on the date of a final report of the Chief of En-
24 gineers or other final decision document for a

1 project study that is subject to peer review by
2 the panel.

3 (g) COSTS.—

4 (1) IN GENERAL.—The costs of a panel of ex-
5 perts established for a peer review under this
6 section—

7 (A) shall be a Federal expense; and

8 (B) shall not exceed \$500,000.

9 (2) WAIVER.—The Chief of Engineers may
10 waive the \$500,000 limitation contained in para-
11 graph (1)(B) in cases that the Chief of Engineers
12 determines appropriate.

13 (h) APPLICABILITY.—This section shall apply to—

14 (1) project studies initiated during the 2-year
15 period preceding the date of enactment of this Act
16 and for which the array of alternatives to be consid-
17 ered has not been identified; and

18 (2) project studies initiated during the period
19 beginning on such date of enactment and ending 4
20 years after such date of enactment.

21 (i) REPORT.—Within 4 1/2 years of the date of enact-
22 ment of this section, the Chief of Engineers shall submit
23 a report to Congress on the implementation of this section.

1 (j) NONAPPLICABILITY OF FACA.—The Federal Ad-
2 visory Committee Act (5 U.S.C. App.) shall not apply to
3 any peer review panel established under this section.

4 (k) SAVINGS CLAUSE.—Nothing in this section shall
5 be construed to affect any authority of the Chief of Engi-
6 neers to cause or conduct a peer review of a water re-
7 sources project existing on the date of enactment of this
8 section.

9 (l) DEFINITIONS.—In this section, the following defi-
10 nitions apply:

11 (1) PROJECT STUDY.—The term “project
12 study” means a feasibility study or reevaluation
13 study for a project. The term also includes any other
14 study associated with a modification or update of a
15 project that includes an environmental impact state-
16 ment, including the environmental impact statement.

17 (2) AFFECTED STATE.—The term “affected
18 State”, as used with respect to a project, means a
19 State all or a portion of which is within the drainage
20 basin in which the project is or would be located and
21 would be economically or environmentally affected as
22 a consequence of the project.

23 (3) ELIGIBLE ORGANIZATION.—The term “eligi-
24 ble organization” means an organization that—

1 (A) is described in section 501(c)(3), and
2 exempt from Federal tax under section 501(a),
3 of the Internal Revenue Code of 1986;

4 (B) is independent;

5 (C) is free from conflicts of interest;

6 (D) does not carry out or advocate for or
7 against Federal water resources projects; and

8 (E) has experience in establishing and ad-
9 ministering peer review panels.

10 **SEC. 2034. SUPPORT OF ARMY CIVIL WORKS PROGRAM.**

11 (a) IN GENERAL.—Notwithstanding section 2361 of
12 title 10, United States Code, the Secretary is authorized
13 to provide assistance through contracts, cooperative agree-
14 ments, and grants to—

15 (1) the University of Tennessee, Knoxville, Ten-
16 nessee, for establishment and operation of the
17 Southeastern Water Resources Institute to study
18 sustainable development and utilization of water re-
19 sources in the Southeastern United States; and

20 (2) Lewis and Clark Community College, Illi-
21 nois, for the Great Rivers National Research and
22 Education Center (including facilities that have been
23 or will be constructed at one or more locations in the
24 vicinity of the confluence of the Illinois River, the
25 Missouri River, and the Mississippi River), a collabo-

1 rative effort of Lewis and Clark Community College,
2 the University of Illinois, the Illinois Department of
3 Natural Resources and Environmental Sciences, and
4 other entities, for the study of river ecology, devel-
5 oping watershed and river management strategies,
6 and educating students and the public on river
7 issues.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to the Secretary to carry
10 out subsection (a)(1) \$5,000,000 and to carry out sub-
11 section (a)(2) \$5,000,000. Such sums shall remain avail-
12 able until expended.

13 **TITLE III—PROJECT-RELATED** 14 **PROVISIONS**

15 **SEC. 3001. COOK INLET, ALASKA.**

16 (a) ANCHORAGE HARBOR.—The project for naviga-
17 tion improvements, Cook Inlet, Alaska (Anchorage Har-
18 bor, Alaska), authorized by section 101 of the River and
19 Harbor Act of 1958 (72 Stat. 299) and modified by sec-
20 tion 199 of the Water Resources Development Act of 1976
21 (90 Stat. 2944), is further modified to direct the Secretary
22 to establish a harbor depth of minus 45 feet mean lower
23 low water for a length of 5,200 feet at the modified Port
24 of Anchorage intermodal marine facility at each phase as
25 such phases are completed and thereafter as the entire

1 project is completed, at a total cost of \$8,175,000. Federal
2 maintenance shall continue for the existing facility until
3 the modified facility is completed. Federal maintenance of
4 the modified project shall be in accordance with such sec-
5 tion 101; except that the project shall be maintained at
6 a depth of minus 45 feet mean lower low water for such
7 5,200 feet, at an estimated annual cost of \$6,000,000.

8 (b) NAVIGATION CHANNEL.—The Secretary shall
9 modify the channel depth to run the entire length of Fire
10 Island Range and Point Woronzof Range maintaining the
11 same width and modifying the depth to minus 45 feet
12 mean lower low water in the existing Cook Inlet Naviga-
13 tion Channel approach to Anchorage Harbor, Alaska, at
14 a total cost of \$21,525,000. The project shall be main-
15 tained at a depth of minus 45 mean lower low water, at
16 an estimated annual cost of \$3,000,000.

17 **SEC. 3002. KING COVE HARBOR, ALASKA.**

18 The maximum amount of Federal funds that may be
19 expended for the project for navigation, King Cove Har-
20 bor, Alaska, being carried out under section 107 of the
21 River Harbor Act of 1960 (33 U.S.C. 577), shall be
22 \$8,000,000.

23 **SEC. 3003. SITKA, ALASKA.**

24 The Thompson Harbor, Sitka, Alaska, element of the
25 project for navigation Southeast Alaska Harbors of Ref-

1 uge, Alaska, authorized by section 101 of the Water Re-
2 sources Development Act of 1992 (106 Stat. 4801), is
3 modified to direct the Secretary to take such action as
4 may be necessary to correct design deficiencies in such ele-
5 ment, at a Federal expense of \$6,300,000.

6 **SEC. 3004. TATITLEK, ALASKA.**

7 The maximum amount of Federal funds that may be
8 expended for the project for navigation, Tatitlek, Alaska,
9 being carried out under section 107 of the River and Har-
10 bor Act of 1960 (33 U.S.C. 577), shall be \$10,000,000.

11 **SEC. 3005. NOGALES WASH AND TRIBUTARIES, ARIZONA.**

12 The project for flood control, Nogales Wash and trib-
13 utaries, Arizona, authorized by section 101(a)(4) of the
14 Water Resources Development Act of 1990 (104 Stat.
15 4606) and modified by section 303 of the Water Resources
16 Development Act of 1996 (110 Stat. 3711) and section
17 302 of the Water Resources Development Act of 2000
18 (114 Stat. 2600), is further modified to direct the Sec-
19 retary to use the Mexico Plan-1st Added Increment, as
20 described in the limited reevaluation report dated Sep-
21 tember 13, 2002, to determine the cost allocation and cost
22 apportionment for the project.

1 **SEC. 3006. GRAND PRAIRIE REGION AND BAYOU METO**
2 **BASIN, ARKANSAS.**

3 The Secretary shall review the general reevaluation
4 report for the Bayou Meto basin element of the project
5 for Grand Prairie Region and Bayou Meto Basin, Arkan-
6 sas, reauthorized by section 363(a) of the Water Re-
7 sources Development Act of 1996 (110 Stat. 3730), and
8 make a determination of whether the element is feasible,
9 regardless of mission priorities.

10 **SEC. 3007. SAINT FRANCIS BASIN, ARKANSAS.**

11 The project for flood control, Saint Francis Basin,
12 Missouri and Arkansas, authorized by section 204 of the
13 Flood Control Act of 1950 (64 Stat. 172), is modified to
14 authorize the Secretary to construct improvements along
15 Ditch No. 1 that consist of a gated culvert through the
16 Saint Francis Levee and related channel improvements.

17 **SEC. 3008. AMERICAN AND SACRAMENTO RIVERS, CALI-**
18 **FORNIA.**

19 The project for flood damage reduction, American
20 and Sacramento Rivers, California, authorized by section
21 101(a)(1) of the Water Resources Development Act of
22 1996 (110 Stat. 3662–3663) and modified by section 366
23 of the Water Resources Development Act of 1999 (113
24 Stat. 319–320), is further modified to direct the Secretary
25 to carry out the project, at a total cost of \$205,000,000.

1 **SEC. 3009. CACHE CREEK BASIN, CALIFORNIA.**

2 The project for flood control, Cache Creek Basin,
3 California, authorized by section 401(a) of the Water Re-
4 sources Development Act of 1986 (100 Stat. 4112), is
5 modified to direct the Secretary to mitigate the impacts
6 of the new south levee of the Cache Creek settling basin
7 on the city of Woodland's storm drainage system, includ-
8 ing all appurtenant features, erosion control measures,
9 and environmental protection features. Such mitigation
10 shall restore the city's preproject capacity (1,360 cubic
11 feet per second) to release water to the Yolo Bypass, in-
12 cluding channel improvements, an outlet work through the
13 west levee of the Yolo Bypass, and a new low-flow cross
14 channel to handle city and county storm drainage and set-
15 tling basin flows (1,760 cubic feet per second) when the
16 Yolo Bypass is in a low flow condition.

17 **SEC. 3010. GRAYSON CREEK/MURDERER'S CREEK, CALI-**
18 **FORNIA.**

19 The project for aquatic ecosystem restoration, Gray-
20 son Creek/Murderer's Creek, California, being carried out
21 under section 206 of the Water Resources Development
22 Act of 1996 (33 U.S.C. 2330), is modified to direct the
23 Secretary to credit toward the non-Federal share of the
24 cost of the project the cost of work carried out by the
25 non-Federal interest before the date of the partnership
26 agreement for the project if the Secretary determines that

1 the work is integral to the project and to authorize the
 2 Secretary to consider national ecosystem restoration bene-
 3 fits in determining the Federal interest in the project.

4 **SEC. 3011. JOHN F. BALDWIN SHIP CHANNEL AND STOCK-**
 5 **TON SHIP CHANNEL, CALIFORNIA.**

6 The project for navigation, San Francisco to Stock-
 7 ton, California, authorized by section 301 of the River and
 8 Harbor Act of 1965 (79 Stat. 1091) is modified—

9 (1) to provide that the non-Federal share of the
 10 cost of the John F. Baldwin Ship Channel and
 11 Stockton Ship Channel element of the project may
 12 be provided in the form of in-kind services and ma-
 13 terials; and

14 (2) to direct the Secretary to credit toward the
 15 non-Federal share of the cost of such element the
 16 cost of planning and design work carried out by the
 17 non-Federal interest before the date of an agreement
 18 for such planning and design if the Secretary deter-
 19 mines that such work is integral to such element.

20 **SEC. 3012. LARKSPUR FERRY CHANNEL, LARKSPUR, CALI-**
 21 **FORNIA.**

22 The project for navigation, Larkspur Ferry Channel,
 23 Larkspur, California, authorized by section 601(d) of the
 24 Water Resources Development Act of 1986 (100 Stat.
 25 4148), is modified to direct the Secretary to prepare a

1 limited reevaluation report to determine whether mainte-
2 nance of the project is feasible. If the Secretary deter-
3 mines that maintenance of the project is feasible, the Sec-
4 retary shall carry out the maintenance.

5 **SEC. 3013. LOS ANGELES HARBOR, LOS ANGELES, CALI-**
6 **FORNIA.**

7 The project for navigation, Los Angeles Harbor, Los
8 Angeles, California, authorized by section 101(b)(5) of the
9 Water Resources Development Act of 2000 (114 Stat.
10 2577), is modified to direct the Secretary to credit toward
11 the non-Federal share of the cost of the project the cost
12 of the planning, design, and construction work carried out
13 by the non-Federal interest before the date of the partner-
14 ship agreement for the project if the Secretary determines
15 the work is integral to the project.

16 **SEC. 3014. NAPA RIVER SALT MARSH RESTORATION, NAPA**
17 **RIVER, CALIFORNIA.**

18 In carrying out the feasibility study for the project
19 for aquatic ecosystem restoration, Napa River Salt Marsh
20 Restoration, Napa and Sonoma Counties, California, the
21 Secretary shall determine whether work carried out by the
22 non-Federal interest is integral to the project. In any case
23 in which the work is determined to be integral to the
24 project before completion of the final report of the Chief
25 of Engineers on the project, such work shall be included

1 as part of the project, and the cost of such work shall
2 be recommended in the final report for credit toward the
3 non-Federal share of the cost of the project. Work carried
4 out after submission of the final report and before the date
5 of the partnership agreement for the project that is deter-
6 mined to be integral to the project shall be considered as
7 part of the project, and the cost of such work shall be
8 credited toward the non-Federal share of the cost of the
9 project.

10 **SEC. 3015. PACIFIC FLYWAY CENTER, SACRAMENTO, CALI-**
11 **FORNIA.**

12 The project for aquatic ecosystem restoration, Pacific
13 Flyway Center, Sacramento, California, being carried out
14 under section 206 of the Water Resources Development
15 Act of 1996 (33 U.S.C. 2330), is modified to authorize
16 the Secretary to expend \$2,000,000 to enhance public ac-
17 cess to the project.

18 **SEC. 3016. PINOLE CREEK, CALIFORNIA.**

19 The project for improvement of the quality of the en-
20 vironment, Pinole Creek Phase I, California, being carried
21 out under section 1135 of the Water Resources Develop-
22 ment Act of 1986 (33 U.S.C. 2309a), is modified to direct
23 the Secretary to credit toward the non-Federal share of
24 the cost of the project the cost of work carried out by
25 the non-Federal interest before the date of the partnership

1 agreement for the project if the Secretary determines that
2 the work is integral to the project.

3 **SEC. 3017. PRADO DAM, CALIFORNIA.**

4 Upon completion of the modifications to the Prado
5 Dam element of the project for flood control, Santa Ana
6 River Mainstem, California, authorized by section 401(a)
7 of the Water Resources Development Act of 1986 (100
8 Stat. 4113), the Memorandum of Agreement for the Oper-
9 ation for Prado Dam for Seasonal Additional Water Con-
10 servation between the Department of the Army and the
11 Orange County Water District (including all the condi-
12 tions and stipulations in the memorandum) shall remain
13 in effect for volumes of water made available prior to such
14 modifications.

15 **SEC. 3018. SACRAMENTO DEEP WATER SHIP CHANNEL,**
16 **CALIFORNIA.**

17 The project for navigation, Sacramento Deep Water
18 Ship Channel, California, authorized by section 202(a) of
19 the Water Resources Development Act of 1986 (100 Stat.
20 4092), is modified to direct the Secretary to credit toward
21 the non-Federal share of the cost of the project the cost
22 of planning and design work carried out by the non-Fed-
23 eral interest before the date of the partnership agreement
24 for the project if the Secretary determines that the work
25 is integral to the project.

1 **SEC. 3019. SACRAMENTO RIVER, GLENN-COLUSA, CALI-**
2 **FORNIA.**

3 The project for flood control, Sacramento River, Cali-
4 fornia, authorized by section 2 of the Act entitled “An Act
5 to provide for the control of the floods of the Mississippi
6 River and of the Sacramento River, California, and for
7 other purposes”, approved March 1, 1917 (39 Stat. 949),
8 and modified by section 102 of the Energy and Water De-
9 velopment Appropriations Act, 1990 (103 Stat. 649), sec-
10 tion 301(b)(3) of the Water Resources Development Act
11 of 1996 (110 Stat. 3110), title I of the Energy and Water
12 Development Appropriations Act, 1999 (112 Stat. 1841),
13 and section 305 of the Water Resources Development Act
14 of 1999 (113 Stat. 299), is further modified to direct the
15 Secretary to credit the non-Federal interest up to
16 \$4,000,000 toward the non-Federal share of the cost of
17 the project for costs incurred by the non-Federal interest
18 in carrying out activities (including the provision of lands,
19 easements, rights-of-way, relocations, and dredged mate-
20 rial disposal areas) associated with environmental compli-
21 ance for the project if the Secretary determines that the
22 activities are integral to the project.

23 **SEC. 3020. SAN LORENZO RIVER, CALIFORNIA.**

24 The project for flood control, San Lorenzo River,
25 California, authorized by section 101(a)(5) of the Water
26 Resources Development Act of 1996 (110 Stat. 3663), is

1 modified to direct the Secretary to credit not more than
2 \$2,000,000 toward the non-Federal share of the cost of
3 the project for the cost of the work carried out by the
4 non-Federal interest before the date of the partnership
5 agreement for the project if the Secretary determines the
6 work is integral to the project.

7 **SEC. 3021. UPPER GUADALUPE RIVER, CALIFORNIA.**

8 The project for flood damage reduction and recre-
9 ation, Upper Guadalupe River, California, described as the
10 Bypass Channel Plan of the Chief of Engineers dated Au-
11 gust 19, 1998, authorized by section 101(a)(9) of the
12 Water Resources Development Act of 1999 (113 Stat.
13 275), is modified to authorize the Secretary to construct
14 the project, at a total cost of \$140,328,000, with an esti-
15 mated Federal cost of \$70,164,000, and an estimated non-
16 Federal cost of \$70,164,000. The non-Federal share of
17 the cost of the project shall be subject to section 103(a)(3)
18 of the Water Resources Development Act of 1986 (33
19 U.S.C. 2213(a)(3)).

20 **SEC. 3022. WALNUT CREEK CHANNEL, CALIFORNIA.**

21 The project for aquatic ecosystem restoration, Wal-
22 nut Creek Channel, California, being carried out under
23 section 206 of the Water Resources Development Act of
24 1996 (33 U.S.C. 2330), is modified to direct the Secretary
25 to credit toward the non-Federal share of the cost of the

1 project the cost of work carried out by the non-Federal
2 interest before the date of the partnership agreement for
3 the project if the Secretary determines that the work is
4 integral to the project and to authorize the Secretary to
5 consider national ecosystem restoration benefits in deter-
6 mining the Federal interest in the project.

7 **SEC. 3023. WILDCAT/SAN PABLO CREEK PHASE I, CALI-**
8 **FORNIA.**

9 The project for improvement of the quality of the en-
10 vironment, Wildcat/San Pablo Creek Phase I, California,
11 being carried out under section 1135 of the Water Re-
12 sources Development Act of 1986 (33 U.S.C. 2309a), is
13 modified to direct the Secretary to credit toward the non-
14 Federal share of the cost of the project the cost of work
15 carried out by the non-Federal interest before the date of
16 the partnership agreement for the project if the Secretary
17 determines that the work is integral to the project.

18 **SEC. 3024. WILDCAT/SAN PABLO CREEK PHASE II, CALI-**
19 **FORNIA.**

20 The project for aquatic ecosystem restoration, Wild-
21 cat/San Pablo Creek Phase II, California, being carried
22 out under section 206 of the Water Resources Develop-
23 ment Act of 1996 (33 U.S.C. 2330), is modified to direct
24 the Secretary to credit toward the non-Federal share of
25 the cost of the project the cost of work carried out by

1 the non-Federal interest before the date of the partnership
2 agreement for the project if the Secretary determines that
3 the work is integral to the project and to authorize the
4 Secretary to consider national ecosystem restoration bene-
5 fits in determining the Federal interest in the project.

6 **SEC. 3025. BREVARD COUNTY, FLORIDA.**

7 Section 310 of the Water Resources Development Act
8 of 1999 (113 Stat. 301) is amended by adding at the end
9 the following:

10 “(d) CREDIT.—After completion of the study, the
11 Secretary shall credit toward the non-Federal share of the
12 cost of the project the cost of nourishment and renourish-
13 ment associated with the shore protection project incurred
14 by the non-Federal interest to respond to damages to
15 Brevard County beaches that are the result of a Federal
16 navigation project, as determined in the final report for
17 the study.”.

18 **SEC. 3026. BROWARD COUNTY AND HILLSBORO INLET,**
19 **FLORIDA.**

20 The project for shore protection, Broward County
21 and Hillsboro Inlet, Florida, authorized by section 301 of
22 the River and Harbor Act of 1965 (79 Stat. 1090), and
23 modified by section 311 of the Water Resources Develop-
24 ment Act of 1999 (113 Stat. 301), is further modified to
25 direct the Secretary to credit toward the non-Federal

1 share of the cost of the project the cost of mitigation con-
2 struction and derelict erosion control structure removal
3 carried out by the non-Federal interest before the date of
4 the partnership agreement for the project if the Secretary
5 determines that the work is integral to the project.

6 **SEC. 3027. GASPARILLA AND ESTERO ISLANDS, FLORIDA.**

7 The project for shore protection, Gasparilla and
8 Estero Island segments, Lee County, Florida, authorized
9 under section 201 of the Flood Control Act of 1965 (79
10 Stat. 1073) by Senate Resolution dated December 17,
11 1970, and by House Resolution dated December 15, 1970,
12 and modified by section 309 of the Water Resources De-
13 velopment Act of 2000 (114 Stat. 2602), is further modi-
14 fied to direct the Secretary to credit toward the non-Fed-
15 eral share of the cost of the project the cost of work car-
16 ried out by the non-Federal interest before the date of the
17 partnership agreement for the project if the Secretary de-
18 termines that the work is integral to the project.

19 **SEC. 3028. JACKSONVILLE HARBOR, FLORIDA.**

20 The project for navigation, Jacksonville Harbor,
21 Florida, authorized by section 101(a)(17) of the Water
22 Resources Development Act of 1999 (113 Stat. 276), is
23 modified to authorize the Secretary to extend the naviga-
24 tion features in accordance with the Report of the Chief
25 of Engineers, dated July 22, 2003, at a total cost of

1 \$14,658,000, with an estimated Federal cost of
2 \$9,636,000 and an estimated non-Federal cost of
3 \$5,022,000.

4 **SEC. 3029. LIDO KEY BEACH, SARASOTA, FLORIDA.**

5 The project for shore protection, Lido Key Beach,
6 Sarasota, Florida, authorized by section 101 of the River
7 and Harbor Act of 1970 (84 Stat. 1819), deauthorized
8 under section 1001(b) of the Water Resources Develop-
9 ment Act of 1986 (33 U.S.C. 579a(b)), and reauthorized
10 by section 364(2)(A) of the Water Resources Development
11 Act of 1999 (113 Stat. 313), is modified to direct the Sec-
12 retary to construct the project in accordance with the fea-
13 sibility report of October 2002, at a total cost of
14 \$12,632,200, with an estimated Federal cost of
15 \$7,882,493 and an estimated non-Federal cost of
16 \$4,749,702, and at an estimated average annual cost of
17 \$1,044,400 for periodic nourishment over the 50-year life
18 of the project, with an estimated annual Federal cost of
19 \$651,706 and an estimated annual non-Federal cost of
20 \$392,694.

21 **SEC. 3030. MANATEE HARBOR, FLORIDA.**

22 The project for navigation, Manatee Harbor, Florida,
23 authorized by section 202(a) of the Water Resources De-
24 velopment Act of 1986 (100 Stat. 4093) and modified by

1 section 102(j) of the Water Resources Development Act
2 of 1990 (104 Stat. 4612), is further modified—

3 (1) to include the construction of an extension
4 of the south channel a distance of approximately
5 1584 feet consistent with the general reevaluation
6 report, dated April 2002, prepared by the Jackson-
7 ville District Corps of Engineers, at a total cost of
8 \$11,300,000, with an estimated Federal cost of
9 \$8,475,000 and an estimated non-Federal cost of
10 \$2,825,000;

11 (2) to direct the Secretary to credit toward the
12 non-Federal share of the cost of the project the cost
13 of in-kind services and materials provided for the
14 project by the non-Federal interest;

15 (3) to direct the Secretary to credit toward the
16 non-Federal share of the cost of the project the cost
17 of planning, design, and construction work carried
18 out by the non-Federal interest before the date of
19 the partnership agreement for the project if the Sec-
20 retary determines that the work is integral to the
21 project; and

22 (4) to authorize the Secretary to carry out the
23 project as modified at a total cost of \$61,500,000.

1 **SEC. 3031. MIAMI HARBOR, FLORIDA.**

2 The project for navigation, Miami Harbor Channel,
3 Florida, authorized by section 101(a)(9) of the Water Re-
4 sources Development Act of 1990 (104 Stat. 4606) and
5 modified by section 315 of the Water Resources Develop-
6 ment Act of 1999 (113 Stat. 302), is further modified to
7 include as a project purpose environmental mitigation re-
8 quired before July 18, 2003, by a Federal, State, or local
9 environmental agency for unauthorized or unanticipated
10 environmental impacts within, or in the vicinity of, the au-
11 thorized project.

12 **SEC. 3032. TAMPA HARBOR, FLORIDA.**

13 The project for navigation, Tampa Harbor, Florida,
14 referred to in section 4 of the Rivers and Harbors Act
15 of September 22, 1922 (42 Stat. 1042), is modified to
16 direct the Secretary to credit toward the non-Federal
17 share of the cost of the project the cost of planning, de-
18 sign, and construction work carried out by the non-Fed-
19 eral interest before the date of the partnership agreement
20 for the project if the Secretary determines that the work
21 is integral to the project.

22 **SEC. 3033. TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.**

23 The project for navigation, Tampa Harbor-Big Bend
24 Channel, Florida, authorized by section 101(a)(18) of the
25 Water Resources Development Act of 1999 (113 Stat.
26 276) is modified to direct the Secretary to credit toward

1 the non-Federal share of the cost of the project the cost
2 of planning, design, and construction work carried out by
3 the non-Federal interest before the date of the partnership
4 agreement for the project if the Secretary determines that
5 the work is integral to the project.

6 **SEC. 3034. TAMPA HARBOR-CUT B, FLORIDA.**

7 The project for navigation, Tampa Harbor, Florida,
8 authorized by section 101 of the River and Harbor Act
9 of 1970 (84 Stat. 1818), is modified to authorize the Sec-
10 retary to construct passing lanes in an area approximately
11 3.5 miles long and centered on Tampa Bay Cut B if the
12 Secretary determines that such improvements are nec-
13 essary for navigation safety.

14 **SEC. 3035. LITTLE WOOD RIVER, GOODING, IDAHO.**

15 The project for flood damage reduction, Little Wood
16 River, Gooding, Idaho, being carried out under section
17 205 of the Flood Control Act of 1948 (33 U.S.C. 701s),
18 is modified—

19 (1) to authorize the non-Federal interest to pro-
20 vide any portion of the non-Federal share of the cost
21 of the project in the form of services, materials, sup-
22 plies, or other in-kind contributions;

23 (2) to authorize the non-Federal interest to use
24 funds made available under any other Federal pro-
25 gram toward the non-Federal share of the cost of

1 the project if such use of the funds is permitted
2 under the other Federal program; and

3 (3) to direct the Secretary, in calculating the
4 non-Federal share of the cost of the project, to make
5 a determination under section 103(m) of the Water
6 Resources Development Act of 1986 (33 U.S.C.
7 2213(m)) on the non-Federal interest's ability to
8 pay.

9 **SEC. 3036. CHICAGO SANITARY AND SHIP CANAL, ILLINOIS.**

10 (a) ONGOING PROJECT.—The project for improve-
11 ment of the quality of the environment, Chicago Sanitary
12 and Ship Canal, Illinois, being carried out under section
13 1135 of the Water Resources Development Act of 1986
14 (33 U.S.C. 2309a) to provide for a dispersal barrier for
15 invasive species, is modified to allow that Federal assist-
16 ance made available through other Federal agencies may
17 be used toward payment of the non-Federal share of the
18 costs of the project.

19 (b) NEW WORK.—The Secretary shall conduct a
20 study of a project for the improvement of the quality of
21 the environment, Chicago Sanitary and Ship Canal, Illi-
22 nois, and if the Secretary determines that the project is
23 appropriate, shall carry out a project under section 1135
24 of the Water Resources Development Act of 1986 (33
25 U.S.C. 2309a), including upgrades or improvements to the

1 existing barrier for aquatic invasive species. Federal as-
2 sistance made available by other Federal agencies may be
3 used toward payment of the non-Federal share of the cost
4 of the project.

5 **SEC. 3037. HENNEPIN-HOPPER LAKES, ILLINOIS.**

6 (a) PROJECT PURPOSE.—The project for flood con-
7 trol, Hennepin levees, Illinois, authorized by the Flood
8 Control Act of June 26, 1936 (35 Stat. 1583), is modified
9 to add environmental restoration as a project purpose.

10 (b) MAXIMUM AMOUNT.—The maximum amount of
11 Federal funds that may be expended for the project for
12 improvement of the quality of the environment, Hennepin-
13 Hopper Lakes, Illinois, being carried out under section
14 1135 of the Water Resources Development Act of 1986
15 (33 U.S.C. 2309a), shall be \$7,500,000.

16 (c) LIMITATION.—Nothing in this section shall affect
17 the eligibility of the project for emergency repair assist-
18 ance under section 5(a) of the Act entitled “An Act au-
19 thorizing the construction of certain public works on rivers
20 and harbors for flood control, and for other purposes”,
21 approved August 18, 1941 (33 U.S.C. 701n).

22 **SEC. 3038. MISSISSIPPI RIVER AND BIG MUDDY RIVER, ILLI-**
23 **NOIS.**

24 (a) IN GENERAL.—The project for flood control, Mis-
25 sissippi River and Big Muddy River, Illinois, authorized

1 by the Flood Control Act of 1938, is modified to authorize
2 the Secretary to carry out repair and rehabilitation of the
3 project at a total cost of \$22,600,000, with an estimated
4 Federal cost of \$16,950,000 and an estimated non-Fed-
5 eral cost of \$5,650,000, and to perform operation and
6 maintenance of the project thereafter.

7 (b) OTHER ASSISTANCE.—Federal assistance made
8 available through the Department of Agriculture may be
9 used toward payment of the non-Federal share of the costs
10 of the repair and rehabilitation under this section.

11 (c) UNITED STATES LANDS.—Costs under this sec-
12 tion for the repair and rehabilitation allocable to the pro-
13 tection of lands owned by the United States shall be a
14 Federal responsibility. The Secretary shall seek reimburse-
15 ment from the Secretary of Agriculture for the costs allo-
16 cated to protecting lands owned by the Department of Ag-
17 riculture.

18 (d) OPERATION AND MAINTENANCE OF NON-FED-
19 ERAL LANDS.—The cost of operation and maintenance
20 under this section allocated to protecting non-Federal
21 lands shall be a non-Federal responsibility.

22 **SEC. 3039. SPUNKY BOTTOMS, ILLINOIS.**

23 (a) PROJECT PURPOSE.—The project for flood con-
24 trol at Spunky Bottoms, Illinois, authorized by section 5
25 of the Flood Control Act of June 26, 1936 (35 Stat.

1 1584), is modified to add environmental restoration as a
2 project purpose.

3 (b) MAXIMUM AMOUNT.—The maximum amount of
4 Federal funds that may be expended for the project for
5 improvement of the quality of the environment, Spunky
6 Bottoms, Illinois, being carried out under section 1135 of
7 the Water Resources Development Act of 1986 (33 U.S.C.
8 2309a), shall be \$7,500,000.

9 (c) LIMITATION.—Nothing in this section shall affect
10 the eligibility of the project for emergency repair assist-
11 ance under section 5(a) of the Act entitled “An Act au-
12 thorizing the construction of certain public works on rivers
13 and harbors for flood control, and for other purposes”,
14 approved August 18, 1941 (33 U.S.C. 701n).

15 **SEC. 3040. EMIQUON, ILLINOIS.**

16 (a) MAXIMUM AMOUNT.—The maximum amount of
17 Federal funds that may be expended for the project for
18 aquatic ecosystem restoration, Emiquon, Illinois, being
19 carried out under section 206 of the Water Resources De-
20 velopment Act of 1996 (33 U.S.C. 2330), shall be
21 \$7,500,000.

22 (b) LIMITATION.—Nothing in this section shall affect
23 the eligibility of the project for emergency repair assist-
24 ance under section 5(a) of the Act entitled “An Act au-
25 thorizing the construction of certain public works on rivers

1 and harbors for flood control, and for other purposes”,
2 approved August 18, 1941 (33 U.S.C. 701n).

3 **SEC. 3041. LITTLE CALUMET RIVER, INDIANA.**

4 The project for flood control, Little Calumet River,
5 Indiana, authorized by section 401(a) of the Water Re-
6 sources Development Act of 1986 (100 Stat. 4115), is
7 modified to authorize the Secretary to carry out the
8 project in accordance with the postauthorization change
9 report dated August 2000, at a total cost of
10 \$186,300,000, with an estimated Federal cost of
11 \$136,600,000 and an estimated non-Federal cost of
12 \$49,700,000.

13 **SEC. 3042. WHITE RIVER, INDIANA.**

14 The project for flood control, Indianapolis on West
15 Fork of White River, Indiana, authorized by section 5 of
16 the Act entitled “An Act authorizing the construction of
17 certain public works on rivers and harbors for flood con-
18 trol, and other purposes”, approved June 22, 1936 (49
19 Stat. 1586), and modified by section 323 of the Water
20 Resources Development Act of 1996 (110 Stat. 3716) and
21 section 322 of the Water Resources Development Act of
22 1999 (113 Stat. 303–304), is further modified to author-
23 ize the Secretary to undertake the riverfront alterations
24 described in the Central Indianapolis Waterfront Concept
25 Plan, dated February 1994, for the Fall Creek Reach fea-

1 ture, at a total cost of \$28,545,000 and to direct the Sec-
 2 retary to credit toward the non-Federal share of the cost
 3 of the project the cost of planning, design, and construc-
 4 tion work carried out by the non-Federal interest before
 5 the date of the partnership agreement for the project if
 6 the Secretary determines that the work is integral to the
 7 project.

8 **SEC. 3043. WOLF LAKE, INDIANA.**

9 The project for aquatic ecosystem restoration, Wolf
 10 Lake, Indiana, being carried out under section 206 of the
 11 Water Resources Development Act of 1996 (33 U.S.C.
 12 2330), is modified to direct the Secretary to credit toward
 13 the non-Federal share of the cost of the project the cost
 14 of planning, design, and construction work carried out by
 15 the non-Federal interest before the date of the partnership
 16 agreement for the project if the Secretary determines that
 17 the work is integral to the project.

18 **SEC. 3044. PRESTONSBURG, KENTUCKY.**

19 The Prestonsburg, Kentucky, element of the project
 20 for flood control, Levisa and Tug Fork of the Big Sandy
 21 and Cumberland Rivers, West Virginia, Virginia, and Ken-
 22 tucky, authorized by section 202(a) of the Energy and
 23 Water Development Appropriations Act, 1981 (94 Stat.
 24 1339), is modified to direct the Secretary to take measures

1 to provide a 100-year level of flood protection for the city
2 of Prestonsburg.

3 **SEC. 3045. AMITE RIVER AND TRIBUTARIES, LOUISIANA,**
4 **EAST BATON ROUGE PARISH WATERSHED.**

5 The project for flood damage reduction and recre-
6 ation, Amite River and Tributaries, Louisiana, East
7 Baton Rouge Parish Watershed, authorized by section
8 101(a)(21) of the Water Resources Development Act of
9 1999 (113 Stat. 277) and modified by section 116 of Divi-
10 sion D of Public Law 108–7 (117 Stat. 140), is further
11 modified to direct the Secretary to carry out the project
12 with the cost sharing for the project determined in accord-
13 ance with section 103(a) of the Water Resources Develop-
14 ment Act of 1986 (33 U.S.C. 2213(a)), as in effect on
15 October 11, 1996.

16 **SEC. 3046. ATCHAFALAYA BASIN, LOUISIANA.**

17 (a) IN GENERAL.—Section 315(a)(1) of the Water
18 Resources Development Act of 2000 (114 Stat. 2603–
19 2604) is amended to read as follows:

20 “(1) is authorized to study, design, construct,
21 operate, and maintain, at Federal expense, a Type
22 A Regional Visitor Center in the vicinity of Morgan
23 City, Louisiana, in consultation with the State of
24 Louisiana, to provide information to the public on
25 the Atchafalaya River system and other associated

1 waterways that have influenced surrounding commu-
2 nities, and national and local water resources devel-
3 opment of the Army Corps of Engineers in South
4 Central Louisiana; and”.

5 (b) TECHNICAL CORRECTION.—Section 315(b) of
6 such Act is amended by striking “(a)” and inserting
7 “(a)(2)”.

8 (c) DONATIONS.—Section 315 of such Act is amend-
9 ed by adding at the end the following:

10 “(c) DONATIONS.—In carrying out subsection (a)(1),
11 the Mississippi River Commission is authorized to accept
12 the donation of cash, funds, lands, materials, and services
13 from non-Federal governmental entities and nonprofit cor-
14 porations.”.

15 **SEC. 3047. PUBLIC ACCESS, ATCHAFALAYA BASIN**
16 **FLOODWAY SYSTEM, LOUISIANA.**

17 The public access feature of the Atchafalaya Basin
18 Floodway System, Louisiana, project, authorized by the
19 Water Resources Development Act 1986 (100 Stat. 4142),
20 is modified to authorize the Secretary to acquire from will-
21 ing sellers the fee interest, exclusive of oil, gas, and min-
22 erals, of an additional 20,000 acres of land within the
23 Lower Atchafalaya Basin Floodway for the public access
24 feature of the Atchafalaya Basin Floodway System, to en-

1 hance fish and wildlife resources, at a total cost of
2 \$4,000,000.

3 **SEC. 3048. J. BENNETT JOHNSTON WATERWAY, MISSISSIPPI**
4 **RIVER TO SHREVEPORT, LOUISIANA.**

5 The project for mitigation of fish and wildlife losses,
6 J. Bennett Johnston Waterway, Mississippi River to
7 Shreveport, Louisiana, authorized by section 601(a) of the
8 Water Resources Development Act of 1986 (100 Stat.
9 4142) and modified by section 4(h) of the Water Re-
10 sources Development Act of 1988 (102 Stat. 4016), sec-
11 tion 102(p) of the Water Resources Development Act of
12 1990 (104 Stat. 4613), section 301(b)(7) of the Water
13 Resources Development Act of 1996 (110 Stat. 3710), and
14 section 316 of the Water Resources Development Act of
15 2000 (114 Stat. 2572), is further modified to authorize
16 the purchase and reforestation of lands which have been
17 cleared or converted to agricultural uses.

18 **SEC. 3049. MISSISSIPPI DELTA REGION, LOUISIANA.**

19 The Mississippi Delta Region project, Louisiana, au-
20 thorized as part of the project for hurricane-flood protec-
21 tion on Lake Pontchartrain, Louisiana, by section 204 of
22 the Flood Control Act of 1965 (79 Stat. 1077) and modi-
23 fied by section 365 of the Water Resources Development
24 Act of 1996 (110 Stat. 3739), is further modified to direct
25 the Secretary to credit toward the non-Federal share of

1 the cost of the project the costs of relocating oyster beds
2 in the Davis Pond project area if the Secretary determines
3 that the work is integral to the Mississippi Delta Region
4 project.

5 **SEC. 3050. NEW ORLEANS TO VENICE, LOUISIANA.**

6 The New Orleans to Venice, Louisiana, project for
7 hurricane protection, authorized by section 203 of the
8 Flood Control Act of 1962 (76 Stat. 1184), is modified
9 to authorize the Secretary to carry out the work on the
10 St. Jude to City Price, Upper Reach A back levee. The
11 Federal share of the cost of such work shall be 70 percent.

12 **SEC. 3051. WEST BANK OF THE MISSISSIPPI RIVER (EAST**
13 **OF HARVEY CANAL), LOUISIANA.**

14 Section 328 of the Water Resources Development Act
15 of 1999 (113 Stat. 304–305) is amended—

16 (1) in subsection (a)—

17 (A) by striking “operation and mainte-
18 nance” and inserting “operation, maintenance,
19 rehabilitation, repair, and replacement”; and

20 (B) by striking “Algiers Channel” and in-
21 serting “Algiers Canal Levees”; and

22 (2) by adding at the end the following:

23 “(c) COST SHARING.—The non-Federal share of the
24 cost of the project shall be 35 percent.”.

1 **SEC. 3052. CAMP ELLIS, SACO, MAINE.**

2 The maximum amount of Federal funds that may be
3 expended for the project being carried out under section
4 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i)
5 for the mitigation of shore damages attributable to the
6 project for navigation, Camp Ellis, Saco, Maine, shall be
7 \$10,000,000.

8 **SEC. 3053. UNION RIVER, MAINE.**

9 The project for navigation, Union River, Maine, au-
10 thorized by the first section of the Act entitled “An Act
11 making appropriations for the construction, repair, and
12 preservation of certain public works on rivers and harbors,
13 and for other purposes”, approved June 3, 1896 (29 Stat.
14 215), is modified by redesignating as an anchorage area
15 that portion of the project consisting of a 6-foot turning
16 basin and lying northerly of a line commencing at a point
17 N315,975.13, E1,004,424.86 thence running north 61 de-
18 grees 27 minutes 20.71 seconds west about 132.34 feet
19 to a point N316,038.37, E1,004,308.61.

20 **SEC. 3054. CASS RIVER, SPAULDING TOWNSHIP, MICHIGAN.**

21 (a) IN GENERAL.—The project for flood damage re-
22 duction, Cass River, Spaulding Township, Saginaw Coun-
23 ty, Michigan, being carried out under section 205 of the
24 Flood Control Act of 1948 (33 U.S.C. 701s), is modified
25 to incorporate flood control works constructed by the non-
26 Federal interests between Sheridan Road and East Street

1 (M-13) if the Secretary determines that the inclusion of
2 such flood control works is feasible and to authorize the
3 Secretary to carry out the project in accordance with the
4 report prepared by the non-Federal interest if the Sec-
5 retary determines that the report meets the evaluation and
6 design standards of the Corps of Engineers and that the
7 project is feasible.

8 (b) CREDIT.—The Secretary shall credit toward the
9 non-Federal share of the cost of the project the cost of
10 work carried out by the non-Federal interest before the
11 date of the partnership agreement for the project if the
12 Secretary determines that the work is integral to the
13 project.

14 **SEC. 3055. DETROIT RIVER SHORELINE, DETROIT, MICH-**
15 **IGAN.**

16 (a) IN GENERAL.—The project for emergency
17 streambank and shoreline protection, Detroit River Shore-
18 line, Detroit, Michigan, being carried out under section 14
19 of the Flood Control Act of 1946 (33 U.S.C. 701r), is
20 modified to include measures to enhance public access.

21 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-
22 imum amount of Federal funds that may be expended for
23 the project shall be \$3,000,000.

1 **SEC. 3056. WATER RESOURCES INSTITUTE, MUSKEGON,**
2 **MICHIGAN.**

3 (a) IN GENERAL.—The project for emergency
4 streambank and shoreline protection, Water Resources In-
5 stitute, Muskegon, Michigan, being carried out under sec-
6 tion 14 of the Flood Control Act of 1946 (33 U.S.C.
7 701r), is modified to provide for completion of shoreline
8 protection measures in accordance with the approved
9 plans and specifications for Grand Valley State University,
10 Lake Michigan Center, dated August 6, 2001.

11 (b) MAXIMUM FEDERAL EXPENDITURE.—The max-
12 imum amount of Federal funds that may be expended for
13 the project shall be \$2,000,000.

14 (c) CREDIT.—The Secretary shall credit toward the
15 non-Federal share of the cost of the project the cost of
16 design and implementation of shoreline protection meas-
17 ures carried out by the non-Federal interest before the
18 date of the partnership agreement for the project if the
19 Secretary determines that the work is integral to the
20 project.

21 **SEC. 3057. SAGINAW RIVER, BAY CITY, MICHIGAN.**

22 The maximum amount of Federal funds that may be
23 expended for the project for emergency streambank pro-
24 tection, Saginaw River, Bay City, Michigan, being carried
25 out under section 14 of the Flood Control Act of 1946
26 (33 U.S.C. 701r), shall be \$2,000,000.

1 **SEC. 3058. ADA, MINNESOTA.**

2 (a) IN GENERAL.—The project for flood damage re-
3 duction, Wild Rice River, Ada, Minnesota, being carried
4 out under section 205 of the Flood Control Act of 1948
5 (33 U.S.C. 701s), is modified to authorize the Secretary
6 to consider national ecosystem restoration benefits in de-
7 termining the Federal interest in the project.

8 (b) EVALUATION OF BENEFITS AND COSTS.—In
9 evaluating the economic benefits and costs for the project,
10 the Secretary shall not consider the emergency levee adja-
11 cent to Judicial Ditch No. 51 in the determination of con-
12 ditions existing prior to construction of the project.

13 (c) SPECIAL RULE.—In evaluating and implementing
14 the project, the Secretary shall allow the non-Federal in-
15 terest to participate in the financing of the project in ac-
16 cordance with section 903(c) of the Water Resources De-
17 velopment Act of 1986 (100 Stat. 4184) to the extent that
18 the Secretary's evaluation indicates that applying such
19 section is necessary to implement the project.

20 **SEC. 3059. DULUTH HARBOR, MCQUADE ROAD, MINNESOTA.**

21 (a) IN GENERAL.—The project for navigation, Du-
22 luth Harbor, McQuade Road, Minnesota, being carried out
23 under section 107 of the River and Harbor Act of 1960
24 (33 U.S.C. 577) and modified by section 321 of the Water
25 Resources Development Act of 2000 (114 Stat. 2605), is
26 further modified to authorize the Secretary to provide

1 public access and recreational facilities as generally de-
2 scribed in the Detailed Project Report and Environmental
3 Assessment, McQuade Road Harbor of Refuge, Duluth,
4 Minnesota, dated August 1999.

5 (b) CREDIT.—The Secretary shall provide credit to-
6 ward the non-Federal share of the cost of the project for
7 the costs of design work carried out before the date of
8 the partnership agreement for the project if the Secretary
9 determines that the work is integral to the project.

10 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-
11 imum amount of Federal funds that may be expended for
12 the project shall be \$5,000,000.

13 **SEC. 3060. GRAND PORTAGE HARBOR, MINNESOTA.**

14 The Secretary shall provide credit toward the non-
15 Federal share of the cost of the navigation project for
16 Grand Portage Harbor, Minnesota, carried out under sec-
17 tion 107 of the River and Harbor Act of 1960 (33 U.S.C.
18 577) and modified by section 312 of the Water Resources
19 Development Act of 2000 (114 Stat. 2605), for the costs
20 of design work carried out before the date of the partner-
21 ship agreement for the project if the Secretary determines
22 that the work is integral to the project.

23 **SEC. 3061. GRANITE FALLS, MINNESOTA.**

24 (a) IN GENERAL.—The Secretary is directed to im-
25 plement under section 205 of the Flood Control Act of

1 1948 (33 U.S.C. 701s) the locally preferred plan for flood
2 damage reduction, Granite Falls, Minnesota, substantially
3 in accordance with the detailed project report dated 2002,
4 at a total cost of \$12,000,000, with an estimated Federal
5 cost of \$8,000,000 and an estimated non-Federal cost of
6 \$4,000,000.

7 (b) PROJECT FINANCING.—In evaluating and imple-
8 menting the project under this section, the Secretary shall
9 allow the non-Federal interests to participate in the fi-
10 nancing of the project in accordance with section 903(c)
11 of the Water Resources Development Act of 1986 (100
12 Stat. 4184), to the extent that the detailed project report
13 evaluation indicates that applying such section is nec-
14 essary to implement the project.

15 (c) CREDIT.—The Secretary shall credit toward the
16 non-Federal share of the project the cost of design and
17 construction work carried out by the non-Federal interest
18 before date of execution of a partnership agreement for
19 the project if the Secretary determines that the work is
20 integral to the project.

21 (d) MAXIMUM FUNDING.—The maximum amount of
22 Federal funds that may be expended for the flood damage
23 reduction shall be \$8,000,000.

1 **SEC. 3062. MINNEAPOLIS, MINNESOTA.**

2 Section 527 of the Water Resources Development Act
3 of 2000 (114 Stat. 2657) is amended—

4 (1) in subsection (a) by inserting after “June
5 30, 1999” the following “, and including Hennepin
6 Island and adjacent areas on the east side of the
7 Mississippi River”; and

8 (2) in subsection (c) by striking “\$10,000,000”
9 and inserting “\$25,000,000”.

10 **SEC. 3063. RED LAKE RIVER, MINNESOTA.**

11 The project for flood control, Red Lake River at
12 Crookston, Minnesota, authorized by section 101(a)(23) of
13 the Water Resources Development Act of 1999 (113 Stat.
14 278), is modified to include flood protection for the adja-
15 cent and interconnected areas generally known as the
16 Sampson and Chase/Loring neighborhoods, in accordance
17 with the Feasibility Report Supplement, Local Flood Pro-
18 tection, Crookston, Minnesota, at a total cost of
19 \$25,000,000, with an estimated Federal cost of
20 \$16,250,000 and an estimated non-Federal cost of
21 \$8,750,000.

22 **SEC. 3064. SILVER BAY, MINNESOTA.**

23 The project for navigation, Silver Bay, Minnesota,
24 authorized by section 2 of the Rivers and Harbors Act
25 of March 2, 1945 (59 Stat. 19), is modified to include

1 operation and maintenance of the general navigation fa-
2 cilities as a Federal responsibility.

3 **SEC. 3065. TACONITE HARBOR, MINNESOTA.**

4 The project for navigation, Taconite Harbor, Min-
5 nesota, carried out under section 107 of the River and
6 Harbor Act of 1960 (33 U.S.C. 577), is modified to in-
7 clude operation and maintenance of the general navigation
8 facilities as a Federal responsibility.

9 **SEC. 3066. TWO HARBORS, MINNESOTA.**

10 (a) IN GENERAL.—The project for navigation, Two
11 Harbors, Minnesota, being carried out under section 107
12 of the River and Harbor Act of 1960 (33 U.S.C. 577),
13 is modified to include construction of a dredged material
14 disposal facility, including actions required to clear the
15 site.

16 (b) LANDS, EASEMENTS, AND RIGHTS-OF-WAY.—
17 Non-Federal interests shall be responsible for providing all
18 lands, easements, rights-of-way, and relocations necessary
19 for the construction of the dredged material disposal facil-
20 ity.

21 (c) MAXIMUM FEDERAL EXPENDITURE.—The max-
22 imum amount of Federal funds that may be expended for
23 the project shall be \$5,000,000.

1 **SEC. 3067. DEER ISLAND, HARRISON COUNTY, MISSISSIPPI.**

2 The project for ecosystem restoration, Deer Island,
3 Harrison County, Mississippi, being carried out under sec-
4 tion 204 of the Water Resources Development Act of 1992
5 (33 U.S.C. 2326) is modified to authorize the non-Federal
6 interest to provide any portion of the non-Federal share
7 of the cost of the project in the form of services, materials,
8 supplies, or other in-kind contributions.

9 **SEC. 3068. BOIS BRULE DRAINAGE AND LEVEE DISTRICT,**
10 **MISSOURI.**

11 The maximum amount of Federal funds that may be
12 expended for the project for flood damage reduction, Bois
13 Brule Drainage and Levee District, Missouri, being car-
14 ried out under section 205 of the Flood Control Act of
15 1948 (33 U.S.C. 701s), shall be \$25,000,000.

16 **SEC. 3069. SAND CREEK WATERSHED, WAHOO, NEBRASKA.**

17 The project for ecosystem restoration and flood dam-
18 age reduction, Sand Creek watershed, Wahoo, Nebraska,
19 authorized by section 101(b)(20) of the Water Resources
20 Development Act of 2000 (114 Stat. 2578), is modified—

21 (1) to direct the Secretary to provide credit to-
22 ward the non-Federal share of the cost of the project
23 or reimbursement for the costs of any work that has
24 been or will be performed by the non-Federal inter-
25 est before, on, or after the approval of the project
26 partnership agreement, including work performed by

1 the non-Federal interest in connection with the de-
2 sign and construction of 7 upstream detention stor-
3 age structures, if the Secretary determines that the
4 work is integral to the project;

5 (2) to require that in-kind work to be credited
6 under paragraph (1) be subject to audit; and

7 (3) to direct the Secretary to accept advance
8 funds from the non-Federal interest as needed to
9 maintain the project schedule.

10 **SEC. 3070. ALAMOGORDO, NEW MEXICO.**

11 The Secretary shall review the general reevaluation
12 report, dated March 1999, for the project for flood protec-
13 tion, Alamogordo, New Mexico, authorized by section 203
14 of the Flood Control Act of 1962 (76 Stat. 85), and deter-
15 mine if the locally preferred flood detention basin would
16 provide the same level of flood protection for the north
17 side of the city of Alamogordo at a cost that is not greater
18 than the cost of authorized channel improvements. If the
19 Secretary determines that the flood detention basin is fea-
20 sible, would not provide a lesser level of flood protection,
21 and can be constructed at the no additional cost, the Sec-
22 retary may construct the flood detention basin instead of
23 the channel improvements. The Federal share of the cost
24 of the flood detention basin alternative shall be calculated

1 in the same manner as if the channel improvements
2 project was being constructed.

3 **SEC. 3071. ORCHARD BEACH, BRONX, NEW YORK.**

4 The project for shoreline protection, Orchard Beach,
5 Bronx, New York, authorized by section 554 of the Water
6 Resources Development Act of 1996 (110 Stat. 3781), is
7 modified to authorize the Secretary to construct the
8 project, at a total cost of \$18,200,000.

9 **SEC. 3072. TIMES BEACH, BUFFALO, NEW YORK.**

10 The project for improvement of the quality of the en-
11 vironment, Times Beach, Buffalo, New York, being car-
12 ried out under section 1135 of the Water Resources Devel-
13 opment Act of 1986 (100 Stat. 4251), is modified to direct
14 the Secretary to credit not more than \$750,000 toward
15 the non-Federal share of the cost of the project for the
16 cost of planning, design, and construction work carried out
17 by the non-Federal interest before the date of the partner-
18 ship agreement for the project if the Secretary determines
19 the work is integral to the project.

20 **SEC. 3073. PORT OF NEW YORK AND NEW JERSEY, NEW**
21 **YORK AND NEW JERSEY.**

22 The navigation project, Port of New York and New
23 Jersey, New York and New Jersey, authorized by section
24 101(a)(2) of the Water Resources Development Act of
25 2000 (114 Stat. 2576), is modified—

1 (1) to authorize the Secretary to allow the non-
2 Federal interest to construct a temporary dredged
3 material storage facility to receive dredged material
4 from the project if—

5 (A) the non-Federal interest submits, in
6 writing, a list of potential sites for the tem-
7 porary storage facility to the Committee on
8 Transportation and Infrastructure of the House
9 of Representatives, the Committee on Environ-
10 ment and Public Works of the Senate, and the
11 Secretary at least 180 days before the selection
12 of the final site; and

13 (B) at least 70 percent of the dredged ma-
14 terial generated in connection with the project
15 suitable for beneficial reuse will be used at sites
16 in the State of New Jersey to the extent that
17 there are sufficient sites available; and

18 (2) to direct the Secretary to credit toward the
19 non-Federal share of the cost of the project the cost
20 of construction of the temporary storage facility if
21 the Secretary determines that the work is integral to
22 the project.

1 **SEC. 3074. NEW YORK STATE CANAL SYSTEM.**

2 Section 553(c) of the Water Resources Development
3 Act of 1996 (110 Stat. 3781) is amended to read as fol-
4 lows:

5 “(c) NEW YORK STATE CANAL SYSTEM DEFINED.—

6 In this section, the term ‘New York State Canal System’
7 means the 524 miles of navigable canal that comprise the
8 New York State Canal System, including the Erie, Ca-
9 yuga-Seneca, Oswego, and Champlain Canals and the his-
10 toric alignments of these canals, including the cities of Al-
11 bany and Buffalo.”.

12 **SEC. 3075. ARCADIA LAKE, OKLAHOMA.**

13 Payments made by the city of Edmond, Oklahoma,
14 to the Secretary in October 1999 of all costs associated
15 with present and future water storage costs at Arcadia
16 Lake, Oklahoma, under Arcadia Lake Water Storage Con-
17 tract Number DACW56–79–C–002 shall satisfy the obli-
18 gations of the city under that contract.

19 **SEC. 3076. WILLAMETTE RIVER TEMPERATURE CONTROL,**
20 **MCKENZIE SUBBASIN, OREGON.**

21 (a) IN GENERAL.—The project for environmental
22 restoration, Willamette River Temperature Control,
23 McKenzie Subbasin, Oregon, authorized by section
24 101(a)(25) of the Water Resources Development Act of
25 1996 (110 Stat. 3665) and modified by section 344 of
26 the Water Resources Development Act of 1999 (113 Stat.

1 308), is further modified to direct the Secretary to pay,
2 subject to the availability of appropriations, compensation
3 for losses to small business attributable to the implemen-
4 tation of the drawdown conducted as a part of project im-
5 plementation in 2002.

6 (b) ESTABLISHMENT OF PROGRAM.—Not later than
7 120 days after the date of enactment of this Act, the Sec-
8 retary shall establish, and provide public notice of, a
9 program—

10 (1) to receive claims for compensation for losses
11 to small business attributable to the implementation
12 of the drawdown conducted as a part of project im-
13 plementation in 2002;

14 (2) to evaluate claims for such losses; and

15 (3) to pay claims for such losses.

16 (c) IMPLEMENTATION OF PROGRAM.—In carrying
17 out the program established under subsection (b), the Sec-
18 retary shall provide—

19 (1) public notice of the existence of the pro-
20 gram sufficient to reach those in the area that may
21 have suffered losses to small businesses;

22 (2) a period for the submission of claims of not
23 fewer than 45 days and not greater than 75 days
24 from the date of the first public notice of the exist-
25 ence of the program;

1 (3) for the evaluation of each claim submitted
2 to the Secretary under the program and a deter-
3 mination of whether the claim constitutes a loss to
4 a small business on or before the last day of the 30-
5 day period beginning on the date of submission of
6 the claim; and

7 (4) for the payment of each claim that the Sec-
8 retary determines constitutes a loss to a small busi-
9 ness on or before the last day of the 30-day period
10 beginning on the date of the Secretary's determina-
11 tion.

12 (d) LOSS TO A SMALL BUSINESS DEFINED.—In this
13 section, the term “loss to a small business” means docu-
14 mented financial losses associated with commercial activ-
15 ity of a small business that can be attributed to the tur-
16 bidity levels in the McKenzie River being higher than
17 those anticipated in the original planning documents and
18 public announcements existing before the initiation of the
19 drawdown in 2002. Commercial losses include decline in
20 sales, loss of revenue (including loss of revenue from can-
21 celed or delayed reservations at lodging establishments),
22 and any other financial losses that can be shown to be
23 associated with the elevated turbidity levels in the
24 McKenzie River in 2002.

1 (e) PAYMENT OF CLAIMS.—The payment of claims
2 for losses to small businesses shall be a Federal responsi-
3 bility.

4 **SEC. 3077. FRENCH CREEK, UNION CITY DAM, PENNSYL-**
5 **VANIA.**

6 The project for flood control French Creek, Union
7 City Dam, Pennsylvania, authorized by section 203 of the
8 Flood Control Act of 1962 (76 Stat. 1189), is modified
9 to include recreation as a project purpose.

10 **SEC. 3078. LACKAWANNA RIVER AT OLYPHANT, PENNSYL-**
11 **VANIA.**

12 The project for flood control, Lackawanna River at
13 Olyphant, Pennsylvania, authorized by section 101(16) of
14 the Water Resources Development Act of 1992 (106 Stat.
15 4803), is modified to authorize the Secretary to construct
16 the project, at a total cost of \$20,000,000.

17 **SEC. 3079. LACKAWANNA RIVER AT SCRANTON, PENNSYL-**
18 **VANIA.**

19 The project for flood control, Lackawanna River at
20 Scranton, Pennsylvania, authorized by section 101(17) of
21 the Water Resources Development Act of 1992 (106 Stat.
22 4803), is modified to authorize the Secretary to construct
23 the project, at a total cost of \$23,000,000.

1 **SEC. 3080. RAYSTOWN LAKE, PENNSYLVANIA.**

2 The Secretary may take such action as may be nec-
3 essary, including construction of a breakwater, to prevent
4 shoreline erosion between .07 and 2.7 miles south of Penn-
5 sylvania State Route 994 on the east shore of Raystown
6 Lake, Pennsylvania.

7 **SEC. 3081. SHERADEN PARK STREAM AND CHARTIERS**
8 **CREEK, ALLEGHENY COUNTY, PENNSYL-**
9 **VANIA.**

10 The project for aquatic ecosystem restoration,
11 Sheraden Park Stream and Chartiers Creek, Allegheny
12 County, Pennsylvania, being carried out under section 206
13 of the Water Resources Development Act of 1996 (33
14 U.S.C. 2330), is modified to direct the Secretary to credit
15 up to \$400,000 toward the non-Federal share of the cost
16 of the project for planning and design work carried out
17 by the non-Federal interest before the date of the partner-
18 ship agreement for the project if the Secretary determines
19 that the work is integral to the project.

20 **SEC. 3082. SOLOMON'S CREEK, WILKES-BARRE, PENNSYL-**
21 **VANIA.**

22 The project for flood control, Wyoming Valley, Penn-
23 sylvania, authorized by section 401(a) of the Water Re-
24 sources Development Act of 1986 (100 Stat. 4124), is
25 modified to include as a project element the project for

1 flood control for Solomon's Creek, Wilkes-Barre, Pennsyl-
2 vania.

3 **SEC. 3083. SOUTH CENTRAL PENNSYLVANIA.**

4 Section 313(h)(2) of the Water Resources Develop-
5 ment Act of 1992 (106 Stat. 4847; 109 Stat. 407; 117
6 Stat. 142) is amended by striking "Allegheny, Armstrong,
7 Bedford, Blair, Cambria, Clearfield, Fayette, Franklin,
8 Fulton, Greene, Huntingdon, Indiana, Juniata, Mifflin,
9 Somerset, Snyder, Washington, and Westmoreland Coun-
10 ties" and inserting "Allegheny, Armstrong, Bedford,
11 Blair, Cambria, Fayette, Franklin, Fulton, Greene, Hun-
12 tingdon, Indiana, Juniata, Somerset, Washington, and
13 Westmoreland Counties".

14 **SEC. 3084. WYOMING VALLEY, PENNSYLVANIA.**

15 In carrying out the project for flood control, Wyo-
16 ming Valley, Pennsylvania, authorized by section 401(a)
17 of the Water Resources Development Act of 1986 (100
18 Stat. 4124), the Secretary shall coordinate with non-Fed-
19 eral interests to review opportunities for increased public
20 access.

21 **SEC. 3085. LITTLE LIMESTONE CREEK, JONESBOROUGH,**
22 **TENNESSEE.**

23 In evaluating and implementing the project for flood
24 damage reduction, Little Limestone Creek, Jonesborough,
25 Tennessee, under section 205 of the Flood Control Act

1 of 1948 (33 U.S.C. 701s), the Secretary shall allow the
2 non-Federal interest to participate in the financing of the
3 project in accordance with section 903(c) of the Water Re-
4 sources Development Act of 1986 (100 Stat. 4184), to the
5 extent that the Secretary's evaluation indicates that apply-
6 ing such section is necessary to implement the project.

7 **SEC. 3086. CEDAR BAYOU, TEXAS.**

8 (a) IN GENERAL.—The project for navigation, Cedar
9 Bayou, Texas, reauthorized by section 349(a)(2) of the
10 Water Resources Development Act of 2000 (114 Stat.
11 2632), is modified—

12 (1) to authorize the Secretary to carry out the
13 project to a depth of 10 feet by 100 feet wide from
14 mile 2.5 to mile 11 on Cedar Bayou if the Secretary
15 determines that the project is feasible; and

16 (2) to direct the Secretary to credit toward the
17 non-Federal share of the cost of the project the cost
18 of planning and design work carried out by the non-
19 Federal interest for the project if the Secretary de-
20 termines that such work is integral to the project.

21 (b) COST SHARING.—Cost sharing for construction
22 and operation and maintenance of the project shall be de-
23 termined in accordance with section 101 of the Water Re-
24 sources Development Act of 1986 (33 U.S.C. 2211).

1 **SEC. 3087. LAKE KEMP, TEXAS.**

2 (a) IN GENERAL.—The Secretary may not take any
3 legal or administrative action seeking to remove a Lake
4 Kemp improvement before the earlier of January 1, 2020,
5 or the date of any transfer of ownership of the improve-
6 ment occurring after the date of enactment of this Act.

7 (b) LIMITATION ON LIABILITY.—The United States,
8 or any of its officers, agents, or assignees, shall not be
9 liable for any injury, loss, or damage accruing to the own-
10 ers of a Lake Kemp improvement, their lessees, or occu-
11 pants as a result of any flooding or inundation of such
12 improvements by the waters of the Lake Kemp reservoir,
13 or for such injury, loss, or damage as may occur through
14 the operation and maintenance of the Lake Kemp dam
15 and reservoir in any manner.

16 (c) LAKE KEMP IMPROVEMENT DEFINED.—In this
17 section, the term “Lake Kemp improvement” means an
18 improvement (including dwellings) located within the flow-
19 age easement of Lake Kemp, Texas, below elevation 1159
20 feet mean sea level.

21 **SEC. 3088. LOWER RIO GRANDE BASIN, TEXAS.**

22 The project for flood control, Lower Rio Grande
23 Basin, Texas, authorized by section 401(a) of the Water
24 Resources Development Act of 1986 (100 Stat. 4125), is
25 modified—

1 (1) to include as part of the project flood pro-
2 tection works to reroute drainage to Raymondville
3 Drain constructed by the non-Federal interests in
4 Hidalgo County in the vicinity Edinburg, Texas, if
5 the Secretary determines that such work meets fea-
6 sibility requirements;

7 (2) to direct the Secretary to credit toward the
8 non-Federal share of the cost of the project the cost
9 of planning, design, and construction work carried
10 out by the non-Federal interest before the date of
11 the partnership agreement for the project if the Sec-
12 retary determines that the work is integral to the
13 project; and

14 (3) to direct the Secretary, in calculating the
15 non-Federal share of the cost of the project, to make
16 a determination within 180 days after the date of
17 enactment of this Act, under section 103(m) of the
18 Water Resources Development Act of 1986 (33
19 U.S.C. 2213(m)) on the non-Federal interest's abil-
20 ity to pay.

21 **SEC. 3089. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**
22 **TEXAS.**

23 The project for ecosystem restoration and storm dam-
24 age reduction, North Padre Island, Corpus Christi Bay,
25 Texas, authorized by section 556 of the Water Resources

1 Development Act of 1999 (113 Stat. 353), is modified to
2 include recreation as a project purpose.

3 **SEC. 3090. PROCTOR LAKE, TEXAS.**

4 The Secretary is authorized to convert flowage ease-
5 ments to fee simple title in the subdivisions of Buffalo
6 Springs and Frees Lakeview, and adjacent areas, located
7 within the boundaries necessary for the operation of the
8 Proctor Lake project, Texas, authorized by section 203
9 of the Flood Control Act of 1954 (68 Stat. 1259), and
10 to purchase all improved and unimproved properties with-
11 in such boundaries and to pay relocation assistance bene-
12 fits to qualified landowners as applicable under the provi-
13 sions of the Uniform Relocation Assistance and Real
14 Property Acquisition Act of 1970 (42 U.S.C. 4601 et
15 seq.).

16 **SEC. 3091. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS.**

17 The project for flood control, San Antonio Channel,
18 Texas, authorized by section 203 of the Flood Control Act
19 of 1954 (68 Stat. 1259) as part of the comprehensive plan
20 for flood protection on the Guadalupe and San Antonio
21 Rivers in Texas and modified by section 103 of the Water
22 Resources Development Act of 1976 (90 Stat. 2921) and
23 section 335 of the Water Resources Development Act of
24 2000 (114 Stat. 2611), is further modified to authorize
25 the Secretary to credit toward the non-Federal share of

1 the cost of the project the cost of design and construction
 2 work carried out by the non-Federal interest for the
 3 project if the Secretary determines that the work is inte-
 4 gral to the project.

5 **SEC. 3092. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.**

6 Section 358 of the Water Resources Development Act
 7 of 1999 (113 Stat. 312) is amended by striking “Sep-
 8 tember 30, 1999” and inserting “May 4, 1997”.

9 **SEC. 3093. ROANOKE RIVER UPPER BASIN, VIRGINIA.**

10 The project for flood control, Roanoke River Upper
 11 Basin, Virginia, authorized by section 401(a) of the Water
 12 Resources Development Act of 1986 (100 Stat. 4126) and
 13 modified by section 110 of the Energy and Water Develop-
 14 ment Appropriations Act, 1990 (103 Stat. 650), is further
 15 modified to authorize the Secretary to construct the
 16 project, at a total cost of \$64,300,000, with an estimated
 17 Federal cost of \$42,100,000 and an estimated non-Fed-
 18 eral cost of \$22,200,000.

19 **SEC. 3094. BLAIR AND SITCUM WATERWAYS, TACOMA HAR-**
 20 **BOR, WASHINGTON.**

21 (a) IN GENERAL.—The project for navigation, Blair
 22 and Sitcum Waterways, Tacoma Harbor, Washington, au-
 23 thorized by section 202(a) of the Water Resources Devel-
 24 opment Act of 1986 (100 Stat. 4096) and deepened to
 25 51 feet under section 107 of the River and Harbor Act

1 of 1960 (33 U.S.C. 577), is modified to direct the Sec-
2 retary to review the locally prepared plan for the Blair
3 and Sitcum Waterways, Washington, and, if the Secretary
4 determines that the plan meets the evaluation and design
5 standards of the Corps of Engineers and that the plan
6 is feasible, to authorize the Secretary to carry out the
7 plan, at a Federal cost of \$4,240,000.

8 (b) NON-FEDERAL WORK.—The Secretary shall pro-
9 vide credit toward the non-Federal share of the cost of
10 the project, or reimbursement for, the cost of work carried
11 out by the non-Federal interest before the date of the part-
12 nership agreement for the project if the Secretary deter-
13 mines that the work is integral to the project.

14 **SEC. 3095. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

15 Section 579(c) of the Water Resources Development
16 Act of 1996 (110 Stat. 3790; 113 Stat. 312) is amended
17 by striking “\$47,000,000” and inserting “\$89,000,000”.

18 **SEC. 3096. MANITOWOC HARBOR, WISCONSIN.**

19 The project for navigation, Manitowoc Harbor, Wis-
20 consin, authorized by the River and Harbor Act of August
21 30, 1852, is modified to direct the Secretary to deepen
22 the upstream reach of the navigation channel from 12 feet
23 to 18 feet, at a total cost of \$300,000.

1 **SEC. 3097. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.**

2 Section 21 of the Water Resources Development Act
3 of 1988 (102 Stat. 4027) is amended—

4 (1) in subsection (a)—

5 (A) by striking “1276.42” and inserting
6 “1278.42”;

7 (B) by striking “1218.31” and inserting
8 “1221.31”; and

9 (C) by striking “1234.82” and inserting
10 “1235.30”; and

11 (2) by striking subsection (b) and inserting the
12 following:

13 “(b) EXCEPTION.—The Secretary may operate the
14 headwaters reservoirs below the minimum or above the
15 maximum water levels established in subsection (a) in ac-
16 cordance with water control regulation manuals (or revi-
17 sions thereto) developed by the Secretary, after consulta-
18 tion with the Governor of Minnesota and affected tribal
19 governments, landowners, and commercial and rec-
20 reational users. The water control regulation manuals
21 (and any revisions thereto) shall be effective when the Sec-
22 retary transmits them to Congress. The Secretary shall
23 report to Congress at least 14 days before operating any
24 such headwaters reservoir below the minimum or above
25 the maximum water level limits specified in subsection (a);
26 except that notification is not required for operations nec-

1 essary to prevent the loss of life or to ensure the safety
2 of the dam or where the drawdown of lake levels is in an-
3 ticipation of flood control operations.”.

4 **SEC. 3098. CONTINUATION OF PROJECT AUTHORIZATIONS.**

5 (a) IN GENERAL.—Notwithstanding section
6 1001(b)(2) of the Water Resources Development Act of
7 1986 (33 U.S.C. 579a(b)(2)), the following projects shall
8 remain authorized to be carried out by the Secretary:

9 (1) The project for navigation, Fall River Har-
10 bor, Massachusetts, authorized by section 101 of the
11 River and Harbor Act of 1968 (82 Stat. 731); ex-
12 cept that the authorized depth of that portion of the
13 project extending riverward of the Charles M.
14 Braga, Jr. Memorial Bridge, Fall River and Som-
15 erset, Massachusetts, shall not exceed 35 feet.

16 (2) The project for flood control, Agana River,
17 Guam, authorized by section 401(a) of the Water
18 Resources Development Act of 1986 (100 Stat.
19 4127).

20 (b) LIMITATION.—A project described in subsection
21 (a) shall not be authorized for construction after the last
22 day of the 5-year period beginning on the date of enact-
23 ment of this Act, unless, during such period, funds have
24 been obligated for the construction (including planning
25 and design) of the project.

1 **SEC. 3099. PROJECT REAUTHORIZATIONS.**

2 Each of the following projects may be carried out by
3 the Secretary and no construction on any such project may
4 be initiated until the Secretary determines that the project
5 is feasible:

6 (1) MENOMINEE HARBOR AND RIVER, MICHIGAN AND WISCONSIN.—The project for navigation,
7 Menominee Harbor and River, Michigan and Wisconsin, authorized by section 101 of the River and
8 Harbor Act of 1960 (74 Stat. 482) and deauthorized
9 on April 15, 2002, in accordance with section
10 1001(b)(2) of the Water Resources Development Act
11 of 1986 (33 U.S.C. 579a(b)(2)).

12 (2) MANITOWOC HARBOR, WISCONSIN.—That
13 portion of the project for navigation, Manitowoc
14 Harbor, Wisconsin, consisting of the channel in the
15 south part of the outer harbor, deauthorized by section 101 of the River and Harbor Act of 1962 (76
16 Stat. 1176).

17 **SEC. 3100. PROJECT DEAUTHORIZATIONS.**

18 (a) IN GENERAL.—The following projects are not au-
19 thorized after the date of enactment of this Act:

20 (1) BRIDGEPORT HARBOR, CONNECTICUT.—The
21 portion of the project for navigation, Bridgeport
22 Harbor, Connecticut, authorized by the River and
23 Harbor Act of July 3, 1930 (46 Stat. 919), con-

1 sisting of an 18-foot channel in Yellow Mill River
 2 and described as follows: Beginning at a point along
 3 the eastern limit of the existing project,
 4 N123,649.75, E481,920.54, thence running north-
 5 westerly about 52.64 feet to a point N123,683.03,
 6 E481,879.75, thence running northeasterly about
 7 1,442.21 feet to a point N125,030.08, E482,394.96,
 8 thence running northeasterly about 139.52 feet to a
 9 point along the east limit of the existing channel,
 10 N125,133.87, E482,488.19, thence running south-
 11 westerly about 1,588.98 feet to the point of origin.

12 (2) NORWALK HARBOR, CONNECTICUT.—The
 13 following portions a 10-foot channel of the project
 14 for navigation, Norwalk Harbor, Connecticut, au-
 15 thorized by the first section of the Rivers and Har-
 16 bors Appropriations Act of March 2, 1919 (40 Stat.
 17 1276):

18 (A) An approximate rectangular shaped
 19 section along the northwesterly terminus of the
 20 channel. The section is 35-feet wide and about
 21 460-feet long and is further described as fol-
 22 lows: Commencing at a point N104,165.85,
 23 E417,662.71, thence running south 24 degrees
 24 06 minutes 55 seconds east 395.00 feet to a
 25 point N103,805.32, E417,824.10, thence run-

1 ning south 00 degrees 38 minutes 06 seconds
2 east 87.84 feet to a point N103,717.49,
3 E417,825.07, thence running north 24 degrees
4 06 minutes 55 seconds west 480.00 feet, to a
5 point N104,155.59, E417.628.96, thence run-
6 ning north 73 degrees 05 minutes 25 seconds
7 east 35.28 feet to the point of origin.

8 (B) An area having the approximate shape
9 of a parallelogram along the northeasterly por-
10 tion of the channel, southeast of the area de-
11 scribed in subparagraph (A). This area is 20-
12 feet wide and about 260-feet long and is further
13 described as follows: Commencing at a point
14 N103,855.48, E417,849.99, thence running
15 south 33 degrees 07 minutes 30 seconds east
16 133.40 feet to a point N103,743.76,
17 E417,922.89, thence running south 24 degrees
18 07 minutes 04 seconds east 127.75 feet to a
19 point N103,627.16, E417,975.09, thence run-
20 ning north 33 degrees 07 minutes 30 seconds
21 west 190.00 feet to a point N103,786.28,
22 E417,871.26, thence running north 17 degrees
23 05 minutes 15 seconds west 72.39 feet to the
24 point of origin.

1 (3) CHICAGO RIVER AND HARBOR, CHICAGO, IL-
2 LINOIS.—Those portions of the projects for naviga-
3 tion, Chicago River and Chicago Harbor, Chicago,
4 Illinois, authorized by the River and Harbor Act of
5 March 3, 1899 (30 Stat. 1129), extending 50 feet
6 riverward of the existing dock wall on the south side
7 of the channel from Lake Street to Franklin Street
8 and 25 feet riverward of the existing dock wall on
9 the south side of the channel from Franklin Street
10 to Wabash Avenue, and those areas within 20 feet
11 of the bridge abutments on the south side of the
12 channel for the length of the protection bridge piers
13 from the Franklin Street Bridge to the Michigan
14 Avenue Bridge.

15 (4) MUSCATINE, IOWA.—The Mississippi River
16 at Muscatine, Iowa project, authorized by section
17 101 of the River and Harbor Act of 1950 (64 Stat.
18 164).

19 (5) FALMOUTH HARBOR, MASSACHUSETTS.—
20 The portion of the project for navigation, Falmouth
21 Harbor, Massachusetts, authorized by section 101 of
22 the River and Harbor Act of 1948 (62 Stat. 1172),
23 beginning at a point along the eastern side of the
24 inner harbor N200,415.05, E845,307.98, thence
25 running north 25 degrees 48 minutes 54.3 seconds

1 east 160.24 feet to a point N200,559.20,
2 E845,377.76, thence running north 22 degrees 7
3 minutes 52.4 seconds east 596.82 feet to a point
4 N201,112.15, E845,602.60, thence running north
5 60 degrees 1 minute 0.3 seconds east 83.18 feet to
6 a point N201,153.72, E845,674.65, thence running
7 south 24 degrees 56 minutes 43.4 seconds west
8 665.01 feet to a point N200,550.75, E845,394.18
9 thence running south 32 degrees 25 minutes 29.0
10 seconds west 160.76 feet to the point of origin.

11 (6) ISLAND END RIVER, MASSACHUSETTS.—The
12 portion of the project for navigation, Island End
13 River, Massachusetts, carried out under section 107
14 of the River and Harbor Act of 1960 (33 U.S.C.
15 577), described as follows: Beginning at a point
16 along the eastern limit of the existing project,
17 N507,348.98, E721,180.01, thence running north-
18 east about 35 feet to a point N507,384.17,
19 E721,183.36, thence running northeast about 324
20 feet to a point N507,590.51, E721,433.17, thence
21 running northeast about 345 feet to a point along
22 the northern limit of the existing project,
23 N507,927.29, E721,510.29, thence running south-
24 east about 25 feet to a point N507,921.71,
25 E721,534.66, thence running southwest about 354

1 feet to a point N507,576.65, E721,455.64, thence
2 running southwest about 357 feet to the point of ori-
3 gin.

4 (7) CITY WATERWAY, TACOMA, WASHINGTON.—

5 The portion of the project for navigation, City Wa-
6 terway, Tacoma, Washington, authorized by the first
7 section of the River and Harbor Appropriations Act
8 of June 13, 1902 (32 Stat. 347), consisting of the
9 last 1,000 linear feet of the inner portion of the wa-
10 terway beginning at Station 70+00 and ending at
11 Station 80+00.

12 (b) ANCHORAGE AREA, NEW LONDON HARBOR,
13 CONNECTICUT.—The portion of the project for navigation,
14 New London Harbor, Connecticut, authorized by the River
15 and Harbor Appropriations Act of June 13, 1902 (32
16 Stat. 333), that consists of a 23-foot waterfront channel
17 and that is further described as beginning at a point along
18 the western limit of the existing project, N188, 802.75,
19 E779, 462.81, thence running northeasterly about
20 1,373.88 feet to a point N189, 554.87, E780, 612.53,
21 thence running southeasterly about 439.54 feet to a point
22 N189, 319.88, E780, 983.98, thence running southwest-
23 erly about 831.58 feet to a point N188, 864.63, E780,
24 288.08, thence running southeasterly about 567.39 feet
25 to a point N188, 301.88, E780, 360.49, thence running

1 northwesterly about 1,027.96 feet to the point of origin,
2 shall be redesignated as an anchorage area.

3 (c) NORWALK HARBOR, CONNECTICUT.—The 10-foot
4 channel portion of the Norwalk Harbor, Connecticut, navi-
5 gation project described in subsection (a)(2) is modified
6 to authorize the Secretary to realign the channel to include
7 a new section immediately north of the area described in
8 subsection (a)(2)(B). The new triangular shaped section
9 is described as follows: Commencing at a point
10 N103,968.35, E417,815.29, thence running south 17 de-
11 grees 05 minutes 15 seconds east 118.09 feet to a point
12 N103,855.48, E417,849.99, thence running north 33 de-
13 grees 07 minutes 30 seconds west 36.76 feet to a point
14 N103,886.27, E417.829.90, thence running north 10 de-
15 grees 05 minutes 26 seconds west 83.37 feet to the point
16 of origin.

17 (d) CHICAGO RIVER AND HARBOR, CHICAGO, ILLI-
18 NOIS.—The projects for navigation, Chicago River and
19 Chicago Harbor referred to in subsection (a)(3) are modi-
20 fied to direct the Secretary to redefine the Federal naviga-
21 tion channel for the North Branch Canal portion extend-
22 ing from 100 feet downstream of the Halsted Street
23 Bridge to 100 feet upstream of the Division Street Bridge
24 to be no wider than 66 feet.

1 (e) ADDITIONAL DEAUTHORIZATIONS.—The fol-
2 lowing projects are not authorized after the date of enact-
3 ment of this Act, except with respect to any portion of
4 such a project which portion has been completed before
5 such date or is under construction on such date:

6 (1) The project for flood damage reduction,
7 Cache Creek Basin, Clear Lake Outlet Channel,
8 California, authorized by the Water Resources De-
9 velopment Act of 1986 (Public Law 99–662).

10 (2) The project for flood control, Goleta and Vi-
11 cinity, California, authorized by the Flood Control
12 Act of 1970.

13 (3) The project to modify the Central and
14 Southern Florida project to improve water supply to
15 the Everglades National Park, Florida, authorized
16 by the Flood Control Act of 1954 (Public Law 83–
17 780) and the Flood Control Act of 1968 (Public
18 Law 90–483).

19 (4) The project for flood control, Central and
20 Southern Florida Project, Shingle Creek Basin,
21 Florida, authorized by the Flood Control Act of
22 1962.

23 (5) The project for flood control, Middle Wa-
24 bash, Greenfield Bayou, Indiana, authorized by sec-
25 tion 10 of the Flood Control Act of 1946.

1 (6) The project for flood damage reduction,
2 Lake George, Hobart, Indiana, authorized by section
3 602 of the Water Resources Development Act of
4 1986 (Public Law 99–662).

5 (7) The project for flood damage reduction,
6 Green Bay Levee and Drainage District No. 2,
7 Iowa, authorized by the Water Resources Develop-
8 ment Act of 1986, deauthorized in fiscal year 1991,
9 and reauthorized by the Water Resources Develop-
10 ment Act of 1992 (Public Law 102–580).

11 (8) The project for flood damage reduction,
12 Hazard, Kentucky, authorized by section 3 of the
13 Water Resources Development Act of 1988 (Public
14 Law 100–676) and section 108 of the Water Re-
15 sources Development Act of 1990 (Public Law 101–
16 640).

17 (9) The recreation portion of the project for
18 flood control, Taylorsville Lake, Kentucky, author-
19 ized by section 203 of the Flood Control Act of
20 1966.

21 (10) The project for flood control, West Ken-
22 tucky Tributaries, Kentucky, authorized by the
23 Flood Control Acts of 1965 and 1970 and the Water
24 Resources Development Act of 1986.

1 (11) The project for flood damage reduction,
2 Bayou Cocodrie and Tributaries, Louisiana, author-
3 ized by the Flood Control Act of 1941 and the
4 Water Resources Development Act of 1974.

5 (12) The project for flood control, Eastern
6 Rapides and South-Central Avoyelles Parishes, Lou-
7 isiana, authorized by the Flood Control Act of 1970
8 (Public Law–611).

9 (13) The project for Red River Waterway,
10 Shreveport, Louisiana to Daingerfield, Texas, au-
11 thorized by the River and Harbor Act of 1968 (Pub-
12 lic Law 90–483).

13 (14) The project for flood damage reduction
14 Brockton, Massachusetts, authorized by section
15 401(c) of the Water Resources Development Act of
16 1986 (Public Law 99–662).

17 (15) The project for navigation, Grand Haven
18 Harbor, Michigan, authorized by section 202 of the
19 Water Resources Development Act of 1986 (Public
20 Law 99–662).

21 (16) The project for navigation, Greenville Har-
22 bor, Mississippi, authorized by section 601 of the
23 Water Resources Development Act of 1986 (Public
24 Law 99–662).

1 (17) The project for hydropower, Libby Dam,
2 Montana, (Units 6–8), authorized by section 549 of
3 the Water Resources Development Act of 1996
4 (Public Law 104–303).

5 (18) The project for flood damage reduction,
6 Platte River Flood and Related Streambank Erosion
7 Control, Nebraska, authorized by section 603 of the
8 Water Resources Development Act of 1986 (Public
9 Law 99–662).

10 (19) The project for navigation, Outer Harbor,
11 Buffalo, New York, authorized by section 110 of the
12 Water Resources Development Act of 1992.

13 (20) The project for flood damage reduction,
14 Sugar Creek Basin, North Carolina and South Caro-
15 lina, authorized by section 401 of the Water Re-
16 sources Development Act of 1986 (Public Law 99–
17 662).

18 (21) The project for flood control and recre-
19 ation, Fairfield, Ohio, authorized by section 401(a)
20 of the Water Resources Development Act of 1986
21 (Public Law 99–662).

22 (22) The project for shoreline protection,
23 Maumee Bay, Lake Erie, Ohio, authorized by sec-
24 tion 501(a) of the Water Resources Development
25 Act of 1986.

1 (23) The project for flood control and water
2 supply, Parker Lake, Muddy Boggy Creek, Okla-
3 homa, authorized by the Water Resources Develop-
4 ment Act of 1986 (Public Law 99–662).

5 (24) The project for the Columbia River, Sea-
6 farers Memorial, Hammond, Oregon, authorized by
7 the Energy and Water Development Appropriations
8 Act of 1991.

9 (25) The project for bulkhead repairs, Quonset
10 Point-Davisville, Rhode Island, authorized by section
11 571 of the Water Resources Development Act of
12 1996.

13 (26) The project for flood damage reduction,
14 Harris Fork Creek, Tennessee and Kentucky, au-
15 thorized by section 102 of the Water Resources De-
16 velopment Acts of 1976 and 1986.

17 (27) The project for flood damage reduction,
18 Arroyo Colorado, Texas, authorized by the Water
19 Resources Development Act of 1986 (Public Law
20 99–662).

21 (28) The project for flood damage reduction,
22 Cypress Creek-Structural, Texas, authorized by the
23 Water Resources Development Act of 1988.

24 (29) The project for flood damage reduction,
25 East Fork Channel Improvement, Increment 2, East

1 Fork of the Trinity River, Texas, authorized by the
2 Flood Control Act of 1962.

3 (30) The project for flood damage reduction,
4 Falfurrias, Texas, authorized by the Water Re-
5 sources Development Act of 1988.

6 (31) The project for bank erosion, Kanawha
7 River, Charleston, West Virginia, authorized by sec-
8 tion 603(f)(13) of the Water Resources Development
9 Act of 1986 (Public Law 99–662).

10 (f) CONDITIONS.—The first sentence of section
11 1001(b)(2) of the Water Resources Development Act of
12 1986 (33 U.S.C. 579a(b)(2)) is amended—

13 (1) by striking “two years” and inserting
14 “year”; and

15 (2) by striking “7” and inserting “5”.

16 **SEC. 3101. LAND CONVEYANCES.**

17 (a) MILFORD, KANSAS.—

18 (1) IN GENERAL.—Subject to the provisions of
19 this section, the Secretary shall convey by quitclaim
20 deed without consideration to the Geary County Fire
21 Department, Milford, Kansas, all right, title, and in-
22 terest of the United States in and to a parcel of land
23 consisting of approximately 7.4 acres located in
24 Geary County, Kansas, for construction, operation,
25 and maintenance of a fire station.

1 (2) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

2 The exact acreage and the description of the real
3 property referred to in paragraph (1) shall be deter-
4 mined by a survey that is satisfactory to the Sec-
5 retary.

6 (3) REVERSION.—If the Secretary determines
7 that the property conveyed under paragraph (1)
8 ceases to be held in public ownership or to be used
9 for any purpose other than a fire station, all right,
10 title, and interest in and to the property shall revert
11 to the United States, at the option of the United
12 States.

13 (b) BOARDMAN, OREGON.—Section 501(g)(1) of the
14 Water Resources Development Act of 1996 (110 Stat.
15 3751) is amended—

16 (1) by striking “city of Boardman,” and insert-
17 ing “the Boardman Park and Recreation District,
18 Boardman,”; and

19 (2) by striking “such city” and inserting “the
20 city of Boardman”.

21 (c) GENERALLY APPLICABLE PROVISIONS.—

22 (1) APPLICABILITY OF PROPERTY SCREENING
23 PROVISIONS.—Section 2696 of title 10, United
24 States Code, shall not apply to any conveyance
25 under this section.

1 (2) ADDITIONAL TERMS AND CONDITIONS.—

2 The Secretary may require that any conveyance
3 under this section be subject to such additional
4 terms and conditions as the Secretary considers ap-
5 propriate and necessary to protect the interests of
6 the United States.

7 (3) COSTS OF CONVEYANCE.—An entity to
8 which a conveyance is made under this section shall
9 be responsible for all reasonable and necessary costs,
10 including real estate transaction and environmental
11 compliance costs, associated with the conveyance.

12 (4) LIABILITY.—An entity to which a convey-
13 ance is made under this section shall hold the
14 United States harmless from any liability with re-
15 spect to activities carried out, on or after the date
16 of the conveyance, on the real property conveyed.
17 The United States shall remain responsible for any
18 liability with respect to activities carried out, before
19 such date, on the real property conveyed.

20 **SEC. 3102. EXTINGUISHMENT OF REVERSIONARY INTER-**
21 **ESTS AND USE RESTRICTIONS.**

22 (a) IDAHO.—

23 (1) IN GENERAL.—With respect to each deed
24 listed in paragraph (2), the reversionary interests

1 and use restrictions relating to industrial use pur-
2 poses are extinguished.

3 (2) AFFECTED DEEDS.—The deeds with the fol-
4 lowing county auditor’s file numbers are referred to
5 in paragraph (1):

6 (A) Auditor’s Instrument No. 399218 of
7 Nez Perce County, Idaho—2.07 acres.

8 (B) Auditor’s Instrument No. 487437 of
9 Nez Perce County, Idaho—7.32 acres.

10 (b) OLD HICKORY LOCK AND DAM, CUMBERLAND
11 RIVER, TENNESSEE.—

12 (1) RELEASE OF RETAINED RIGHTS, INTER-
13 ESTS, RESERVATIONS.—With respect to land con-
14 veyed by the Secretary to the Tennessee Society of
15 Crippled Children and Adults, Incorporated (now
16 known as “Easter Seals Tennessee”), at Old Hick-
17 ory Lock and Dam, Cumberland River, Tennessee,
18 under section 211 of the Flood Control Act of 1965
19 (79 Stat. 1087), the reversionary interests and the
20 use restrictions relating to recreation and camping
21 purposes are extinguished.

22 (2) INSTRUMENT OF RELEASE.—As soon as
23 possible after the date of enactment of this Act, the
24 Secretary shall execute and file in the appropriate
25 office a deed of release, amended deed, or other ap-

1 appropriate instrument effectuating the release of in-
2 terests required by paragraph (1).

3 (c) NO EFFECT OF OTHER RIGHTS.—Nothing in this
4 section affects the remaining rights and interests of the
5 Corps of Engineers for authorized project purposes.

6 **SEC. 3103. LAND EXCHANGE, DISPOSAL AND ACQUISITION**
7 **OF LANDS, ALLATOONA LAKE, GEORGIA.**

8 (a) LAND EXCHANGE.—

9 (1) IN GENERAL.—The Secretary may exchange
10 lands above 863 feet in elevation at Allatoona Lake,
11 Georgia, identified in the Real Estate Design Memo-
12 randum prepared by the Mobile district engineer,
13 April 5, 1996, and approved October 8, 1996, for
14 lands on the north side of Allatoona Lake that are
15 needed for wildlife management and for protection
16 of the water quality and overall environment of
17 Allatoona Lake.

18 (2) TERMS AND CONDITIONS.—The basis for all
19 land exchanges under this subsection shall be a fair
20 market appraisal so that lands exchanged are of
21 equal value.

22 (b) DISPOSAL AND ACQUISITION OF LANDS,
23 ALLATOONA LAKE, GEORGIA.—

24 (1) IN GENERAL.—The Secretary may also sell
25 lands above 863 feet in elevation at Allatoona Lake,

1 Georgia, identified in the memorandum referred to
2 in subsection (a)(1) and may use the proceeds to
3 pay costs associated with the purchase of lands
4 needed for wildlife management and for protection
5 of the water quality and overall environment of
6 Allatoona Lake.

7 (2) TERMS AND CONDITIONS.—Land sales and
8 purchases to be conducted under this subsection
9 shall be subject to the following terms and condi-
10 tions:

11 (A) Lands acquired under this subsection
12 shall be by negotiated purchase from willing
13 sellers only.

14 (B) The basis for all transactions under
15 the program shall be a fair market appraisal
16 acceptable to the Secretary.

17 (C) The purchasers shall share in the asso-
18 ciated environmental and real estate costs, to
19 include surveys and associated fees in accord-
20 ance with the memorandum referred to in sub-
21 section (a)(1).

22 (D) Any other conditions that the Sec-
23 retary may impose.

24 (c) REPEAL.—Section 325 of the Water Resources
25 Development Act of 1992 (106 Stat. 4849) is repealed.

TITLE IV—STUDIES

SEC. 4001. JOHN GLENN GREAT LAKES BASIN PROGRAM.

Section 455 of the Water Resources Development Act of 1999 (113 Stat. 330–332) is amended by adding at the end the following:

“(g) IN-KIND CONTRIBUTIONS FOR STUDY.—The non-Federal interest may provide up to 100 percent of the non-Federal share required under subsection (f) in the form of services, materials, supplies, or other in-kind contributions.”.

SEC. 4002. CHOCTAWHATCHEE, PEA, AND YELLOW RIVERS WATERSHED, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction, environmental restoration, recreation, and water supply in the Choctawhatchee, Pea, and Yellow Rivers watershed, Alabama.

SEC. 4003. ST. GEORGE HARBOR, ALASKA.

The Secretary shall conduct, at Federal expense, a study to determine the feasibility of providing navigation improvements at St. George, Alaska.

SEC. 4004. SUSITNA RIVER, ALASKA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for hydropower, recreation, and related purposes on the Susitna River, Alaska.

1 **SEC. 4005. SEARCY COUNTY, ARKANSAS.**

2 The Secretary shall conduct a study to determine the
3 feasibility of using Greers Ferry Lake as a water supply
4 source for Searcy County, Arkansas.

5 **SEC. 4006. UPPER MISSISSIPPI RIVER AND ILLINOIS WA-**
6 **TERWAY, ILLINOIS, IOWA, MINNESOTA, MIS-**
7 **SOURI, AND WISCONSIN.**

8 The Secretary shall transmit to Congress a report on
9 the results of the Upper Mississippi River and Illinois Wa-
10 terway Restructured System Navigation Feasibility Study,
11 Illinois, Iowa, Minnesota, Missouri, and Wisconsin, no
12 later than July 1, 2004.

13 **SEC. 4007. HAMILTON, CALIFORNIA.**

14 The Secretary is directed to continue planning,
15 preconstruction, engineering, and design efforts on the
16 Sacramento-San Joaquin River Basins Comprehensive
17 Study-Hamilton City Flood Damage Reduction and Eco-
18 system Restoration Initial Project and shall include in the
19 study an area 2 miles north and 4 miles south of State
20 Highway 32.

21 **SEC. 4008. NAPA RIVER, ST. HELENA, CALIFORNIA.**

22 The Secretary shall conduct a comprehensive study
23 of the Napa River in the vicinity of St. Helena, California,
24 for the purposes of improving flood management through
25 reconnecting the river to its floodplain; restoring habitat,
26 including riparian and aquatic habitat; improving fish pas-

1 sage and water quality; and restoring native plant commu-
 2 nities. In conducting the study, the Secretary shall review
 3 plans and designs developed by non-Federal interests and
 4 shall incorporate such plans and designs into the Federal
 5 study where the Secretary determines that such plans and
 6 designs are consistent with the Federal interest.

7 **SEC. 4009. OCEANSIDE, CALIFORNIA.**

8 Section 414 of the Water Resources Development Act
 9 of 2000 (114 Stat. 2636) is amended by striking “32
 10 months” and inserting “44 months”.

11 **SEC. 4010. SACRAMENTO RIVER, CALIFORNIA.**

12 The Secretary shall conduct a comprehensive study
 13 to determine the feasibility of, and alternatives for, meas-
 14 ures to protect water diversion facilities and fish protective
 15 screen facilities in the vicinity of river mile 178 on the
 16 Sacramento River, California.

17 **SEC. 4011. SAN FRANCISCO BAY, SACRAMENTO-SAN JOA-**
 18 **QUIN DELTA, CALIFORNIA.**

19 (a) IN GENERAL.—The Secretary shall conduct a
 20 study to determine the feasibility of the beneficial use of
 21 dredged material from the San Francisco Bay in the Sac-
 22 ramento-San Joaquin Delta, California, including the ben-
 23 efits and impacts of salinity in the Delta and the benefits
 24 to navigation, flood damage reduction, ecosystem restora-

1 tion, water quality, salinity control, water supply reli-
2 ability, and recreation.

3 (b) COOPERATION.—In conducting the study, the
4 Secretary shall cooperate with the California Department
5 of Water Resources and appropriate Federal and State en-
6 tities in developing options for the beneficial use of
7 dredged material from San Francisco Bay for the Sac-
8 ramento-San Joaquin Delta area.

9 (c) REVIEW.—The study shall include a review of the
10 feasibility of using Sherman Island as a rehandling site
11 for levee maintenance material, as well as for ecosystem
12 restoration. The review may include monitoring a pilot
13 project using up to 150,000 cubic yards of dredged mate-
14 rial and being carried out at the Sherman Island site, ex-
15 amining larger scale use of dredged materials from the
16 San Francisco Bay and Suisun Bay Channel, and ana-
17 lyzing the feasibility of the potential use of saline mate-
18 rials from the San Francisco Bay for both rehandling and
19 ecosystem restoration purposes.

20 **SEC. 4012. TYBEE ISLAND, GEORGIA.**

21 The Secretary shall conduct a study to determine the
22 feasibility of including the northern end of Tybee Island
23 extending from the north terminal groin to the mouth of
24 Lazaretto Creek as a part of the project for beach erosion
25 control, Tybee Island, Georgia, carried out under section

1 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–
2 5).

3 **SEC. 4013. CALUMET HARBOR, ILLINOIS.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out a project for navigation at Cal-
6 umet Harbor, Illinois.

7 **SEC. 4014. CHICAGO, ILLINOIS.**

8 Section 425(a) of the Water Resources Development
9 Act of 2000 (114 Stat. 2638) is amended by inserting
10 “Lake Michigan and” before “the Chicago River”.

11 **SEC. 4015. SOUTH BRANCH, CHICAGO RIVER, CHICAGO, IL-**
12 **LINOIS.**

13 The Secretary shall conduct a study to determine the
14 feasibility of carrying out a project for ecosystem restora-
15 tion at the South Fork of the South Branch of the Chicago
16 River, Chicago, Illinois.

17 **SEC. 4016. PADUCAH, KENTUCKY.**

18 The Secretary is authorized to complete a rehabilita-
19 tion evaluation report for the project for flood damage re-
20 duction, Paducah, Kentucky, and, if the Secretary deter-
21 mines that the project is feasible, proceed to
22 preconstruction engineering and design for rehabilitation
23 of the project.

1 **SEC. 4017. BASTROP-MOREHOUSE PARISH, LOUISIANA.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for water supply,
4 Bastrop-Morehouse Parish, Louisiana.

5 **SEC. 4018. WEST FELICIANA PARISH, LOUISIANA.**

6 The Secretary shall conduct a study to determine the
7 feasibility of carrying out a project for riverfront develop-
8 ment, including enhanced public access, recreation, and
9 environmental restoration, on the Mississippi River in
10 West Feliciana Parish, Louisiana.

11 **SEC. 4019. FALL RIVER HARBOR, MASSACHUSETTS.**

12 The Secretary shall conduct a study to determine the
13 feasibility of deepening that portion of the navigation
14 channel of the navigation project for Fall River Harbor,
15 Massachusetts and Rhode Island, authorized by section
16 101 of the River and Harbor Act of 1968 (82 Stat. 731),
17 seaward of the Charles M. Braga, Jr. Memorial Bridge,
18 Fall River and Somerset, Massachusetts.

19 **SEC. 4020. CITY OF MACKINAC ISLAND, MICHIGAN.**

20 The Secretary shall conduct a study to determine the
21 feasibility of carrying out a project for navigation at the
22 city of Mackinac Island, Michigan.

23 **SEC. 4021. NORTHEAST MISSISSIPPI.**

24 The Secretary shall conduct a study to determine the
25 feasibility of modifying the project for navigation, Ten-

1 nessee-Tombigbee Waterway, Alabama and Mississippi, to
2 provide water supply for northeast Mississippi.

3 **SEC. 4022. PUEBLO OF ZUNI, NEW MEXICO.**

4 The Secretary shall conduct a study to determine the
5 feasibility of carrying out projects for water resources de-
6 velopment, environmental restoration, and natural re-
7 sources protection for the Pueblo of Zuni, New Mexico,
8 under section 203 of the Water Resources Development
9 Act of 2000 (33 U.S.C. 2269).

10 **SEC. 4023. HUDSON-RARITAN ESTUARY, NEW YORK AND**
11 **NEW JERSEY.**

12 In carrying out the study for environmental restora-
13 tion, Hudson-Raritan Estuary, New York and New Jer-
14 sey, the Secretary shall establish and utilize watershed res-
15 toration teams composed of estuary restoration experts
16 from the Corps of Engineers, the New Jersey Department
17 of Environmental Protection, and the Port Authority of
18 New York and New Jersey and other experts designated
19 by the Secretary for the purpose of developing habitat res-
20 toration and water quality enhancement.

21 **SEC. 4024. SAC AND FOX NATION, OKLAHOMA.**

22 The Secretary shall complete a water and related
23 land resource conservation and management plan for the
24 Sac and Fox Nation, Oklahoma, under section 203 of the

1 Water Resources Development Act of 2000 (33 U.S.C.
2 2269).

3 **SEC. 4025. SUTHERLIN, OREGON.**

4 (a) STUDY.—The Secretary shall conduct a study of
5 water resources along Sutherlin Creek in the vicinity of
6 Sutherlin, Oregon, to determine the feasibility of carrying
7 out a project to restore and enhance aquatic resources
8 using a combination of structural and bioengineering tech-
9 niques and, if the Secretary determines that the project
10 is feasible, may carry out the project.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$2,500,000.

14 **SEC. 4026. TILLAMOOK BAY AND BAR, OREGON.**

15 The Secretary shall conduct under section 216 of the
16 Flood Control Act of 1970 (84 Stat. 1830) a study of the
17 project for navigation, Tillamook Bay and Bar, Oregon,
18 authorized by the first section of the River and Harbor
19 Appropriations Act of July 25, 1912 (37 Stat. 220), to
20 investigate measures to address dangerous and hazardous
21 wave and ocean conditions.

22 **SEC. 4027. ECOSYSTEM RESTORATION AND FISH PASSAGE**
23 **IMPROVEMENTS, OREGON.**

24 (a) STUDY.—The Secretary shall conduct a study to
25 determine the feasibility of undertaking ecosystem restora-

1 tion and fish passage improvements on rivers throughout
2 the State of Oregon.

3 (b) REQUIREMENTS.—In carrying out the study, the
4 Secretary shall—

5 (1) work in coordination with the State of Or-
6 egon, local governments, and other Federal agencies;
7 and

8 (2) place emphasis on—

9 (A) fish passage and conservation and res-
10 toration strategies to benefit species that are
11 listed or proposed for listing as threatened or
12 endangered species under the Endangered Spe-
13 cies Act of 1973 (16 U.S.C. 1531 et seq.); and

14 (B) other watershed restoration objectives.

15 (c) PILOT PROGRAM.—

16 (1) IN GENERAL.—In conjunction with con-
17 ducting the study under subsection (a), the Sec-
18 retary may carry out pilot projects to demonstrate
19 the effectiveness of ecosystem restoration and fish
20 passages.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—

22 There is authorized to be appropriated \$5,000,000
23 to carry out this subsection.

1 **SEC. 4028. NORTHEASTERN PENNSYLVANIA AQUATIC ECO-**
2 **SYSTEM RESTORATION AND PROTECTION.**

3 The Secretary shall conduct a study to determine the
4 feasibility of carrying out aquatic ecosystem restoration
5 and protection projects in the counties of Lackawanna,
6 Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sul-
7 livan, Bradford, Northumberland, Union, Snyder, and
8 Montour, Pennsylvania, particularly as related to aban-
9 doned mine drainage abatement and reestablishment of
10 stream and river channels.

11 **SEC. 4029. GEORGETOWN AND WILLIAMSBURG COUNTIES,**
12 **SOUTH CAROLINA.**

13 The Secretary shall conduct a study to determine the
14 feasibility of carrying out a project for water supply for
15 Georgetown and Williamsburg Counties, South Carolina,
16 including the viability and practicality of constructing a
17 desalinization water treatment facility to meet such water
18 supply needs.

19 **SEC. 4030. SABINE PASS TO GALVESTON BAY, TEXAS.**

20 In conducting a feasibility study for shore protection
21 and related improvements between Sabine Pass and the
22 entrance to Galveston Bay, Texas, the Secretary may in-
23 clude any benefits related to the use of State Highway
24 87 as an emergency evacuation route in the determination
25 of national economic development benefits of the project.

1 **SEC. 4031. GRAND COUNTY AND MOAB, UTAH.**

2 The Secretary shall conduct a study to determine the
3 feasibility of carrying out a project for water supply for
4 Grand County and the city of Moab, Utah, including a
5 review of the impact of current and future demands on
6 the Spanish Valley Aquifer.

7 **SEC. 4032. CHEHALIS RIVER BASIN, WASHINGTON.**

8 The Secretary shall conduct a river basin study for
9 the Chehalis River basin, Washington, including a study
10 of the uses of the basin's water resources to assist users
11 in developing a fair and equitable distribution of such re-
12 sources.

13 **SEC. 4033. SPRAGUE, LINCOLN COUNTY, WASHINGTON.**

14 The Secretary may accept from the non-Federal in-
15 terest to pay all or a part of the non-Federal share of
16 the cost of feasibility study for the project for flood control
17 in the vicinity of Sprague, Lincoln County, Washington,
18 funds made available under any other Federal program
19 if such use of the funds is permitted under the Federal
20 program.

21 **SEC. 4034. MONONGAHELA RIVER BASIN, NORTHERN WEST**
22 **VIRGINIA.**

23 The Secretary shall conduct a study to determine the
24 feasibility of carrying out aquatic ecosystem restoration
25 and protection projects in the watersheds of the
26 Monongahela River basin lying within the counties of

1 Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood,
2 Doddridge, Monongalia, Marion, Harrison, Taylor,
3 Barbour, Preston, Tucker, Mineral, Grant, Gilmer,
4 Brooke, and Ritchie, West Virginia, particularly as re-
5 lated to abandoned mine drainage abatement.

6 **SEC. 4035. WAUWATOSA, WISCONSIN.**

7 The Secretary shall conduct a study to determine the
8 feasibility of carrying out a project for flood damage re-
9 duction and environmental restoration, Menomonee River
10 and Underwood Creek, Wauwatosa, Wisconsin.

11 **SEC. 4036. LAKE ERIE DREDGED MATERIAL DISPOSAL**
12 **SITES.**

13 The Secretary shall conduct a study to determine the
14 nature and frequency of avian botulism problems in the
15 vicinity of Lake Erie associated with dredged material dis-
16 posal sites and shall make recommendations to eliminate
17 the conditions that result in such problems.

18 **TITLE V—MISCELLANEOUS**
19 **PROVISIONS**

20 **SEC. 5001. MAINTENANCE OF NAVIGATION CHANNELS.**

21 (a) IN GENERAL.—Upon request of a non-Federal in-
22 terest, the Secretary shall be responsible for maintenance
23 of the following navigation channels and breakwaters con-
24 structed or improved by the non-Federal interest if the
25 Secretary determines that such maintenance is economi-

1 cally justified and environmentally acceptable and that the
2 channel or breakwater was constructed in accordance with
3 applicable permits and appropriate engineering and design
4 standards:

5 (1) Pix Bayou navigation channel, Chambers
6 County, Texas.

7 (2) Pidgeon Industrial Harbor, Pidgeon Indus-
8 trial Park, Memphis Harbor, Tennessee.

9 (3) Racine Harbor, Wisconsin.

10 (b) COMPLETION OF ASSESSMENT.—Not later than
11 6 months after the date of receipt of a request from a
12 non-Federal interest for Federal assumption of mainte-
13 nance of a channel listed in subsection (a), the Secretary
14 shall make a determination as provided in subsection (a)
15 and advise the non-Federal interest of the Secretary's de-
16 termination.

17 (c) SABINE-NECHES WATERWAY, TEXAS.—The Sec-
18 retary shall remove sunken vessels and debris between
19 miles 35 and 43 of the Channel to Orange, Sabine-Neches
20 Waterway, Texas, for the purpose of improving navigation
21 safety and reducing the risk to the public.

22 **SEC. 5002. WATERSHED MANAGEMENT.**

23 (a) IN GENERAL.—The Secretary may provide tech-
24 nical, planning, and design assistance to non-Federal in-
25 terests for carrying out watershed management, restora-

1 tion, and development projects at the locations described
2 in subsection (d).

3 (b) SPECIFIC MEASURES.—Assistance provided
4 under subsection (a) may be in support of non-Federal
5 projects for the following purposes:

6 (1) Management and restoration of water qual-
7 ity.

8 (2) Control and remediation of toxic sediments.

9 (3) Restoration of degraded streams, rivers,
10 wetlands, and other waterbodies to their natural
11 condition as a means to control flooding, excessive
12 erosion, and sedimentation.

13 (4) Protection and restoration of watersheds,
14 including urban watersheds.

15 (5) Demonstration of technologies for non-
16 structural measures to reduce destructive impacts of
17 flooding.

18 (c) NON-FEDERAL SHARE.—The non-Federal share
19 of the cost of assistance provided under subsection (a)
20 shall be 50 percent.

21 (d) PROJECT LOCATIONS.—The locations referred to
22 in subsection (a) are the following:

23 (1) Spring Branch watershed, Huntsville, Ala-
24 bama.

25 (2) Tuolumne County, California.

1 (3) Cucamonga basin, Upland, California.

2 (4) Kinkaid Lake, Jackson County, Illinois.

3 (5) Those portions of the watersheds of the
4 Concord, Charles, Blackstone, Neponset, Taunton,
5 Nashua, Shawsheen, and Merrimack Rivers, Massa-
6 chusetts, lying within the Interstate Route 495 cor-
7 ridor.

8 (6) Jackson Brook watershed, New Jersey.

9 (7) Those portions of the watersheds of the
10 Beaver, Upper Ohio, Connoquenessing, Lower Alle-
11 gheny, Kiskiminetas, Lower Monongahela,
12 Youghiogheny, Shenango, and Mahoning Rivers
13 lying within the counties of Beaver, Butler, Law-
14 rence, and Mercer, Pennsylvania.

15 (8) Southampton Creek watershed, South-
16 ampton, Pennsylvania.

17 (9) Unami Creek watershed, Milford Township,
18 Pennsylvania.

19 (10) Amite River basin, Louisiana.

20 (11) Iberville Parish, East Atchafalaya River
21 basin, Louisiana.

22 (12) Genesee River watershed, New York.

23 (13) Tonawanda Creek watershed, New York.

24 (14) Buffalo River watershed, New York.

1 (15) Eighteenmile Creek watershed, Niagara
2 County, New York.

3 (16) Cattaragus Creek watershed, New York.

4 (17) Oswego River basin, New York.

5 (18) Red River watershed, Louisiana.

6 (19) Fountain Creek and tributaries, Colorado.

7 (20) Schuylkill River watershed, Pennsylvania.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$15,000,000.

11 **SEC. 5003. DAM SAFETY.**

12 (a) ASSISTANCE.—The Secretary may provide assist-
13 ance to enhance dam safety at the following locations:

14 (1) Mountain Park Dam, Mountain Park, Geor-
15 gia.

16 (2) Barber Dam, Ada County, Idaho.

17 (3) Fish Creek Dam, Blaine County, Idaho.

18 (4) Lost Valley Dam, Adams County, Idaho.

19 (5) Salmon Falls Dam, Twin Falls County,
20 Idaho.

21 (6) Whaley Lake Dam, Pawling, New York.

22 (7) Lake Carl Blackwell Dam, Stillwater, Okla-
23 homa.

24 (8) Dams in Mountain Lakes Park, Princeton
25 Township, New Jersey.

1 (9) State Dam, Auburn, New York.

2 (10) Candor Dam, Candor, New York.

3 (b) SPECIAL RULE.—The assistance provided under
4 subsection (a) for State Dam, Auburn, New York, shall
5 be for a project for rehabilitation in accordance with the
6 report on State Dam Rehabilitation, Owasco Lake Outlet,
7 New York, dated March 1999, if the Secretary determines
8 that the project is feasible.

9 (c) FERN RIDGE DAM, OREGON.—It is the sense of
10 Congress that the Secretary should work to immediately
11 remedy the situation at Fern Ridge Dam, Oregon, due to
12 the rapid deterioration of the dam.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$6,000,000.

16 **SEC. 5004. STRUCTURAL INTEGRITY EVALUATIONS.**

17 (a) IN GENERAL.—Upon request of a non-Federal in-
18 terest, the Secretary shall evaluate the structural integrity
19 and effectiveness of a project for flood damage reduction
20 and, if the Secretary determines that the project does not
21 meet such minimum standards as the Secretary may es-
22 tablish and, absent action by the Secretary, the project
23 will fail, the Secretary may take such action as may be
24 necessary to restore the integrity and effectiveness of the
25 project.

1 (b) PRIORITY.—The Secretary shall evaluate under
2 subsection (a) the following projects:

3 (1) Project for flood damage reduction, Arkan-
4 sas River Levees, river mile 205 to river mile 308.4,
5 Arkansas.

6 (2) Project for flood damage reduction,
7 Marianna Borough, Pennsylvania.

8 (3) Project for flood damage reduction,
9 Nonconnah Creek, Tennessee.

10 **SEC. 5005. FLOOD MITIGATION PRIORITY AREAS.**

11 Section 212(e) of the Water Resources Development
12 Act of 1999 (33 U.S.C. 2332(e); 114 Stat. 2599) is
13 amended—

14 (1) by striking “and” at the end of paragraph
15 (27);

16 (2) by striking the period at the end of para-
17 graph (28) and inserting a semicolon; and

18 (3) by adding at the end the following:

19 “(29) La Crosse County, Wisconsin;

20 “(30) Crawford County, Wisconsin;

21 “(31) Buffalo County, Wisconsin;

22 “(32) Calhoun County, Illinois;

23 “(33) Saint Charles County, Missouri;

24 “(34) Saint Louis County, Missouri;

25 “(35) Dubuque County, Iowa;

- 1 “(36) Scott County, Iowa;
2 “(37) Rock Island County, Illinois;
3 “(38) Ascension Parish, Louisiana;
4 “(39) East Baton Rouge Parish, Louisiana;
5 “(40) Iberville Parish, Louisiana; and
6 “(41) Livingston Parish, Louisiana.”.

7 **SEC. 5006. ADDITIONAL ASSISTANCE FOR AUTHORIZED**
8 **PROJECTS.**

9 Section 219(e) of the Water Resources Development
10 Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat.
11 334) is amended—

12 (1) by striking “and” at the end of paragraph
13 (7);

14 (2) by striking the period at the end of para-
15 graph (8) and inserting a semicolon; and

16 (3) by adding at the end the following:

17 “(9) \$20,000,000 for the project described in
18 subsection (c)(20);

19 “(10) \$25,000,000 for the project described in
20 subsection (c)(23);

21 “(11) \$20,000,000 for the project described in
22 subsection (c)(25);

23 “(12) \$15,000,000 for the project described in
24 subsection (c)(26);

1 “(13) \$7,800,000 for the project described in
2 subsection (c)(27);

3 “(14) \$18,000,000 for the project described in
4 subsection (c)(31); and

5 “(15) \$30,000,000 for the project described in
6 subsection (c)(40).”.

7 **SEC. 5007. EXPEDITED COMPLETION OF REPORTS AND**
8 **CONSTRUCTION FOR CERTAIN PROJECTS.**

9 The Secretary shall expedite completion of the re-
10 ports and, if the Secretary determines the project is fea-
11 sible, shall expedite completion of construction for the fol-
12 lowing projects:

13 (1) Welch Point, Elk River, Cecil County,
14 Maryland, being carried out under section 535(a) of
15 the Water Resources Development Act of 1999 (113
16 Stat. 348–349).

17 (2) West View Shores, Cecil County, Maryland,
18 being carried out under section 521 of the Water
19 Resources Development Act of 2000 (114. Stat.
20 2655).

21 (3) Sylvan Beach Breakwater, Verona, Oneida
22 County, New York, being carried out under section
23 3 of the Act entitled “An Act authorizing Federal
24 participation in the cost of protecting the shores of

1 publicly owned property”, approved August 13, 1946
2 (33 U.S.C. 426g).

3 (4) Fulmer Creek, Village of Mohawk, New
4 York, being carried out under section 205 of the
5 Flood Control Act of 1948 (33 U.S.C. 701s).

6 (5) Moyer Creek, Village of Frankfort, New
7 York, being carried out under section 205 of the
8 Flood Control Act of 1948 (33 U.S.C. 701s).

9 (6) Steele Creek, Village of Ilion, New York,
10 being carried out under section 205 of the Flood
11 Control Act of 1948 (33 U.S.C. 701s).

12 (7) Oriskany Wildlife Management Area, Rome,
13 New York, being carried out under section 206 of
14 the Water Resources Development Act of 1996 (33
15 U.S.C. 2330).

16 (8) Whitney Point Lake, Otselic River, Whitney
17 Point, New York, being carried out under section
18 1135 of the Water Resources Development Act of
19 1986 (33 U.S.C. 2309a).

20 (9) Newton Creek, Bainbridge, New York,
21 being carried out under section 14 of the Flood Con-
22 trol Act of 1946 (33 U.S.C. 701r).

23 (10) Chenango Lake, Chenango County, New
24 York, being carried out under section 206 of the

1 Water Resources Development Act of 1996 (33
2 U.S.C. 2330).

3 (11) Lucas Berg Pit, Worth, Illinois, being car-
4 ried out as part of the Calumet-Sag navigation
5 project, authorized by section 2 of the River and
6 Harbor Act of March 2, 1945 (59 Stat. 19), and
7 modified by the first section of the River and Har-
8 bor Act of July 24, 1946 (60 Stat. 636), and section
9 109 of the River and Harbor Act of 1958 (72 Stat.
10 302).

11 **SEC. 5008. EXPEDITED COMPLETION OF REPORTS FOR CER-**
12 **TAIN PROJECTS.**

13 (a) IN GENERAL.—The Secretary shall expedite com-
14 pletion of the reports for the following projects and, if the
15 Secretary determines that a project is justified in the com-
16 pleted report, proceed directly to project preconstruction,
17 engineering, and design:

18 (1) Project for flood damage reduction and eco-
19 system restoration, Sacramento and San Joaquin
20 River basins, Hamilton, California.

21 (2) Project for ecosystem restoration, Univer-
22 sity Lake, Baton Rouge, Louisiana.

23 (3) Project for shoreline protection, Detroit
24 River Greenway Corridor, Detroit, Michigan.

1 (4) Project for shoreline stabilization at
2 Egmont Key, Florida.

3 (5) Project for environmental restoration,
4 Gwynns Falls, Maryland.

5 (b) SPECIAL RULE FOR EGMONT KEY, FLORIDA.—
6 In carrying out the project for shoreline stabilization at
7 Egmont Key, Florida, referred to in subsection (a)(4), the
8 Secretary shall waive any cost share to be provided by non-
9 Federal interests for any portion of the project that bene-
10 fits federally owned property.

11 (c) CHESAPEAKE, MARYLAND.—The Secretary shall
12 expedite completion of the study being carried out under
13 section 535(b) of the Water Resources Development Act
14 of 1999 (113 Stat. 349) with respect to additional com-
15 pensation to the city of Chesapeake, Maryland.

16 (d) SPECIAL RULE FOR GWYNNS FALLS, MARY-
17 LAND.—The report on the project for environmental res-
18 toration at Gwynns Falls, Maryland, referred to in sub-
19 section (a)(5), shall be treated as being consistent and in
20 compliance with the consent decree entered into between
21 the United States and the Mayor and City Council of
22 Baltimore, Maryland, filed with the United States District
23 Court for the District of Maryland on April 26, 2002, and
24 no policy of the Secretary with respect to work performed

1 under a consent decree shall delay completion of this re-
2 port and its submission to Congress.

3 **SEC. 5009. SOUTHEASTERN WATER RESOURCES ASSESS-**
4 **MENT.**

5 The Secretary may provide assistance to a coordi-
6 nated effort by Federal, State, and local agencies, non-
7 Federal and nonprofit entities, regional researchers, and
8 other interested parties to assess the water resources and
9 water resources needs of river basins and watersheds of
10 the southeastern United States.

11 **SEC. 5010. UPPER MISSISSIPPI RIVER ENVIRONMENTAL**
12 **MANAGEMENT PROGRAM.**

13 Section 1103(e)(7)(A) of the Water Resources Devel-
14 opment Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended
15 by adding at the end the following: “The non-Federal in-
16 terest may provide the non-Federal share of the cost of
17 the project in the form of services, materials, supplies, or
18 other in-kind contributions.”.

19 **SEC. 5011. MISSOURI AND MIDDLE MISSISSIPPI RIVERS EN-**
20 **HANCEMENT PROJECT.**

21 Section 514(g) of the Water Resources Development
22 Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended
23 by striking “and 2004” and inserting “through 2015”.

1 **SEC. 5012. MEMBERSHIP OF MISSOURI RIVER TRUST.**

2 Section 904(b)(1)(B) of the Water Resources Devel-
3 opment Act of 2000 (114 Stat. 2708) is amended—

4 (1) by striking “and” at the end of clause (vii);

5 (2) by redesignating clause (viii) as clause (ix);

6 and

7 (3) by inserting after clause (vii) the following:

8 “(viii) rural water systems; and”.

9 **SEC. 5013. GREAT LAKES FISHERY AND ECOSYSTEM RES-**
10 **TORATION.**

11 Section 506(f)(3)(B) of the Water Resources Devel-
12 opment Act of 2000 (42 U.S.C. 1962d–22; 114 Stat.
13 2646) is amended by striking “50 percent” and inserting
14 “100 percent”.

15 **SEC. 5014. SUSQUEHANNA, DELAWARE, AND POTOMAC**
16 **RIVER BASINS.**

17 (a) EX OFFICIO MEMBER.—Notwithstanding section
18 3001(a) of the 1997 Emergency Supplemental Appropria-
19 tions Act for Recovery From Natural Disasters, and for
20 Overseas Peacekeeping Efforts, Including Those in Bosnia
21 (111 Stat. 176) and section 2.2 of both the Susquehanna
22 River Basin Compact (Public Law 91–575) and the Dela-
23 ware River Basin Compact (Public Law 87–328), begin-
24 ning in fiscal year 2002 and thereafter, the Division Engi-
25 neer, North Atlantic Division, Corps of Engineers, shall
26 be the ex officio United States member under the Susque-

1 hanna River Basin Compact and the Delaware River
2 Basin Compact, who shall serve without additional com-
3 pensation and who may designate an alternate member or
4 members in accordance with the terms of those respective
5 compacts.

6 (b) AUTHORIZATION TO ALLOCATE.—The Secretary
7 may allocate funds to the Susquehanna River Basin Com-
8 mission, Delaware River Basin Commission, and the
9 Interstate Commission on the Potomac River Basin (Poto-
10 mac River Basin Compact (Public Law 91–407)) to fulfill
11 the equitable funding requirements of their respective
12 interstate compacts.

13 (c) WATER SUPPLY AND CONSERVATION STOR-
14 AGE.—The Secretary shall enter into an agreement with
15 the Delaware River Basin Commission to provide tem-
16 porary water supply and conservation storage at the
17 Francis E. Walter Dam, Pennsylvania, during any period
18 in which the Commission has determined that a drought
19 warning or drought emergency exists. The agreement shall
20 provide that the cost for any such water supply and con-
21 servation storage shall not exceed the incremental oper-
22 ating costs associated with providing the storage.

1 **SEC. 5015. CHESAPEAKE BAY ENVIRONMENTAL RESTORA-**
2 **TION AND PROTECTION PROGRAM.**

3 Section 510(i) of the Water Resources Development
4 Act of 1996 (110 Stat. 3761) is amended by striking
5 “\$10,000,000” and inserting “\$30,000,000”.

6 **SEC. 5016. MONTGOMERY, ALABAMA.**

7 The Secretary shall review the navigation and aquatic
8 ecosystem restoration components of the Montgomery
9 Riverfront and Downtown Master Plan, Montgomery, Ala-
10 bama, dated May 2001, and prepared by the non-Federal
11 interest and, if the Secretary determines that those com-
12 ponents meet the evaluation and design standards of the
13 Corps of Engineers and that the components are feasible,
14 may carry out the components at a Federal cost not to
15 exceed \$5,000,000.

16 **SEC. 5017. PINHOOK CREEK, HUNTSVILLE, ALABAMA.**

17 The Secretary shall design and construct the locally
18 preferred plan for flood protection at Pinhook Creek,
19 Huntsville, Alabama, under the authority of section 205
20 of the Flood Control Act of 1948 (33 U.S.C. 701s). The
21 Secretary shall allow the non-Federal interest to partici-
22 pate in the financing of the project in accordance with sec-
23 tion 903(c) of the Water Resources Development Act of
24 1986 (100 Stat. 4184) to the extent that the Secretary’s
25 evaluation indicates that applying such section is nec-
26 essary to implement the project.

1 **SEC. 5018. ALASKA.**

2 Section 570 of the Water Resources Development Act
3 of 1999 (113 Stat. 369) is amended—

4 (1) in subsection (e)(3)(B) by striking the last
5 sentence;

6 (2) in subsection (h) by striking “\$25,000,000”
7 and inserting “\$40,000,000”; and

8 (3) by adding at the end the following:

9 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-
10 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
11 1962d–5b(b)), for any project undertaken under this sec-
12 tion, a non-Federal interest may include a nonprofit enti-
13 ty, with the consent of the affected local government.

14 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent
15 of the amounts appropriated to carry out this section may
16 be used by the Corps of Engineers district offices to ad-
17 minister projects under this section at 100 percent Fed-
18 eral expense.”.

19 **SEC. 5019. AKUTAN SMALL BOAT HARBOR, ALASKA.**

20 (a) IN GENERAL.—The Secretary shall expedite the
21 study for the Akutan Small Boat Harbor, Alaska, and
22 upon completion of the feasibility study, shall design and
23 construct the project, if the Secretary determines that the
24 project is feasible.

25 (b) TREATMENT OF CERTAIN DREDGING.—The
26 headlands dredging for the mooring basin shall be consid-

1 ered general navigation feature for purposes of estimating
2 the non-Federal share of the cost of the project.

3 **SEC. 5020. FORT YUKON, ALASKA.**

4 The Secretary shall make repairs to the dike at Fort
5 Yukon, Alaska, so that the dike meets Corps of Engineers
6 standards.

7 **SEC. 5021. LOWELL CREEK TUNNEL, SEWARD, ALASKA.**

8 (a) LONG-TERM MAINTENANCE AND REPAIR.—The
9 Secretary shall assume responsibility for the long-term
10 maintenance and repair of the Lowell Creek Tunnel.

11 (b) STUDY.—The Secretary shall conduct a study to
12 determine whether alternative methods of flood diversion
13 in Lowell Canyon are feasible.

14 **SEC. 5022. ST. HERMAN AND ST. PAUL HARBORS, KODIAK,**
15 **ALASKA.**

16 The Secretary shall carry out, on an emergency basis,
17 necessary removal of rubble, sediment, and rock that are
18 impeding the entrance to the St. Herman and St. Paul
19 Harbors, Kodiak, Alaska, at a Federal cost of \$2,000,000.

20 **SEC. 5023. AUGUSTA AND CLARENDON, ARKANSAS.**

21 (a) IN GENERAL.—The Secretary is authorized to
22 perform operation, maintenance, and rehabilitation of au-
23 thorized and completed levees on the White River between
24 Augusta and Clarendon, Arkansas.

1 (b) REIMBURSEMENT.—After performing the oper-
2 ation, maintenance, and rehabilitation under subsection
3 (a), the Secretary shall seek reimbursement from the Sec-
4 retary of the Interior of an amount equal to the costs allo-
5 cated to benefits to a Federal wildlife refuge of such oper-
6 ation, maintenance, and rehabilitation.

7 **SEC. 5024. HELENA AND VICINITY, ARKANSAS.**

8 The Secretary shall accept as fulfilling the non-Fed-
9 eral cost sharing responsibilities for the project for flood
10 control, Helena and Vicinity, Arkansas, authorized by sec-
11 tion 401 of the Water Resources Development Act of 1986
12 (100 Stat. 4112), the non-Federal cash contribution of
13 \$568,000 and the lands, easements, rights-of-way, reloca-
14 tions, and dredged material disposal areas provided by the
15 non-Federal sponsor as of September 1, 2003, and the
16 Secretary shall not seek to recover any reimbursement
17 from the non-Federal sponsor related to advanced pay-
18 ments to, or work performed for, the non-Federal sponsor
19 under the authority of sections 103 and 104 of the Water
20 Resources Development Act of 1986 (33 U.S.C. 2213,
21 2214).

22 **SEC. 5025. LOOMIS LANDING, ARKANSAS.**

23 The Secretary shall conduct a study of shore damage
24 in the vicinity of Loomis Landing, Arkansas, to determine
25 if the damage is the result of a Federal navigation project,

1 and, if the Secretary determines that the damage is the
2 result of a Federal navigation project, the Secretary shall
3 carry out a project to mitigate the damage under section
4 111 of the River and Harbor Act of 1968 (33 U.S.C.
5 426i).

6 **SEC. 5026. MCCLELLAN-KERR ARKANSAS RIVER NAVIGA-**
7 **TION PROJECT, ARKANSAS AND OKLAHOMA.**

8 The McClellan-Kerr Arkansas River navigation and
9 comprehensive development project, Arkansas and Okla-
10 homa, authorized by the Act entitled “An Act authorizing
11 the construction of certain public works on rivers and har-
12 bors for flood control, and for other purposes”, approved
13 June 28, 1938 (52 Stat. 1215), and the first section of
14 the River and Harbor Act of 1946 (60 Stat. 364) and
15 modified by section 108 of the Energy and Water Develop-
16 ment Appropriations Act, 1988 (101 Stat. 1329–112), is
17 further modified to authorize a project depth of 12 feet
18 in the States of Arkansas and Oklahoma.

19 **SEC. 5027. ST. FRANCIS RIVER BASIN, ARKANSAS AND MIS-**
20 **SOURI.**

21 The Secretary shall conduct a study of increased sil-
22 tation and streambank erosion in the St. Francis River
23 basin, Arkansas and Missouri, to determine if the siltation
24 or erosion, or both, are the result of a Federal flood con-
25 trol project and, if the Secretary determines that the silta-

1 tion or erosion, or both, are the result of a Federal flood
2 control project, the Secretary shall carry out a project to
3 mitigate the siltation or erosion, or both.

4 **SEC. 5028. CAMBRIA, CALIFORNIA.**

5 Section 219(f)(48) of the Water Resources Develop-
6 ment Act of 1992 (114 Stat. 2763A–220) is amended—

7 (1) by striking “\$10,300,000” and inserting the
8 following:

9 “(A) IN GENERAL.—\$10,300,000”;

10 (2) by adding at the end the following:

11 “(B) CREDIT.—The Secretary shall credit
12 toward the non-Federal share of the cost of the
13 project not to exceed \$3,000,000 for the cost of
14 planning and design work carried out by the
15 non-Federal interest before the date of the
16 partnership agreement for the project if the
17 Secretary determines that the work is integral
18 to the project.”; and

19 (3) by aligning the remainder of the text of
20 subparagraph (A) (as designated by paragraph (1)
21 of this section) with subparagraph (B) (as added by
22 paragraph (2) of this section).

1 **SEC. 5029. CONTRA COSTA CANAL, OAKLEY AND**
2 **KNIGHTSEN, CALIFORNIA; MALLARD**
3 **SLOUGH, PITTSBURG, CALIFORNIA.**

4 Sections 512 and 514 of the Water Resources Devel-
5 opment Act of 2000 (114 Stat. 2650) are each amended
6 by adding at the end the following: “All planning, study,
7 design, and construction on the project shall be carried
8 out by the office of the district engineer, San Francisco,
9 California.”.

10 **SEC. 5030. EAST SAN JOAQUIN COUNTY, CALIFORNIA.**

11 Section 219(f)(22) of the Water Resources Develop-
12 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336)
13 is amended—

14 (1) by striking “\$25,000,000” and inserting the
15 following:

16 “(A) IN GENERAL.—\$25,000,000”;

17 (2) by adding at the end the following:

18 “(B) CREDIT.—The Secretary shall credit
19 toward the non-Federal share of the cost of the
20 project (i) the cost of design and construction
21 work carried out by the non-Federal interest
22 before the date of the partnership agreement
23 for the project if the Secretary determines that
24 the work is integral to the project; and (ii) the
25 cost of in-kind services and materials provided
26 for the project by the non-Federal interest.

1 “(C) IN-KIND CONTRIBUTIONS.—The non-
2 Federal interest may provide any portion of the
3 non-Federal share of the cost of the project in
4 the form of services, materials, supplies, or
5 other in-kind contributions.”; and

6 (3) by aligning the remainder of the text of
7 subparagraph (A) (as designated by paragraph (1)
8 of this section) with subparagraph (B) (as added by
9 paragraph (2) of this section).

10 **SEC. 5031. PLACER AND EL DORADO COUNTIES, CALI-**
11 **FORNIA.**

12 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
13 may establish a program to provide environmental assist-
14 ance to non-Federal interests in Placer and El Dorado
15 Counties, California.

16 (b) FORM OF ASSISTANCE.—Assistance under this
17 section may be in the form of design and construction as-
18 sistance to improve the efficiency and use of existing water
19 supplies in Placer and El Dorado Counties through water
20 and wastewater projects, programs, and infrastructure.

21 (c) OWNERSHIP REQUIREMENT.—The Secretary may
22 provide assistance for a project under this section only if
23 the project is publicly owned.

24 (d) PARTNERSHIP AGREEMENTS.—

1 (1) IN GENERAL.—Before providing assistance
2 under this section, the Secretary shall enter into a
3 partnership agreement with a non-Federal interest
4 to provide for design and construction of the project
5 to be carried out with the assistance.

6 (2) REQUIREMENTS.—Each partnership agree-
7 ment entered into under this subsection shall provide
8 for the following:

9 (A) PLAN.—Development by the Secretary,
10 in consultation with appropriate Federal and
11 State officials, of a facilities or resource protec-
12 tion and development plan, including appro-
13 priate engineering plans and specifications.

14 (B) LEGAL AND INSTITUTIONAL STRUC-
15 TURES.—Establishment of such legal and insti-
16 tutional structures as are necessary to ensure
17 the effective long-term operation of the project
18 by the non-Federal interest.

19 (3) COST SHARING.—

20 (A) IN GENERAL.—The Federal share of
21 the project costs under each partnership agree-
22 ment entered into under this subsection shall be
23 75 percent. The Federal share may be in the
24 form of grants or reimbursements of project
25 costs.

1 (B) CREDIT FOR WORK.—The non-Federal
2 interests shall receive credit for the reasonable
3 cost of design work on a project completed by
4 the non-Federal interest before entering into a
5 partnership agreement with the Secretary for
6 such project.

7 (C) CREDIT FOR INTEREST.—In case of a
8 delay in the funding of the non-Federal share
9 of a project that is the subject of an agreement
10 under this section, the non-Federal interest
11 shall receive credit for reasonable interest in-
12 curred in providing the non-Federal share of
13 the project's costs.

14 (D) LAND, EASEMENTS, AND RIGHTS-OF-
15 WAY CREDIT.—The non-Federal interest shall
16 receive credit for land, easements, rights-of-
17 way, and relocations toward the non-Federal
18 share of project costs (including all reasonable
19 costs associated with obtaining permits nec-
20 essary for the construction, operation, and
21 maintenance of the project on publicly owned or
22 controlled land), but not to exceed 25 percent
23 of total project costs.

24 (E) OPERATION AND MAINTENANCE.—The
25 non-Federal share of operation and mainte-

1 nance costs for projects constructed with assist-
2 ance provided under this section shall be 100
3 percent.

4 (e) APPLICABILITY OF OTHER FEDERAL AND STATE
5 LAWS.—Nothing in this section waives, limits, or other-
6 wise affects the applicability of any provision of Federal
7 or State law that would otherwise apply to a project to
8 be carried out with assistance provided under this section.

9 (f) NONPROFIT ENTITIES.—Notwithstanding section
10 221(b) of the Flood Control Act of 1970 (42 U.S.C.
11 1962d–5b(b), for any project undertaken under this sec-
12 tion, a non-Federal interest may include a nonprofit entity
13 with the consent of the affected local government.

14 (g) CORPS OF ENGINEERS EXPENSES.—Ten percent
15 of the amounts appropriated to carry out this section may
16 be used by the Corps of Engineers district offices to ad-
17 minister projects under this section at 100 percent Fed-
18 eral expense.

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$40,000,000. Such sums shall remain available until ex-
22 pended.

23 **SEC. 5032. SACRAMENTO AREA, CALIFORNIA.**

24 Section 219(f)(23) of the Water Resources Develop-
25 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 336)

1 is amended by striking “\$25,000,000” and inserting
2 “\$35,000,000”.

3 **SEC. 5033. SACRAMENTO DEEP WATER SHIP CHANNEL,**
4 **CALIFORNIA.**

5 (a) IN GENERAL.—The Secretary is authorized to
6 transfer title to the Bascule Bridge, deauthorized by sec-
7 tion 347(a)(2) of the Water Resources Development Act
8 of 2000 (114. Stat. 2618), to the city of West Sacramento,
9 California, subject to the execution of an agreement by
10 the Secretary and the city which specifies the terms and
11 conditions for such transfer. The terms and conditions of
12 the transfer shall include a provision authorizing the Sec-
13 retary to participate in the construction of a replacement
14 bridge following the removal of the Bascule Bridge.

15 (b) AUTHORIZATION OF APPROPRIATION.—There is
16 authorized to be appropriated \$5,000,000 for the Sec-
17 retary to participate in the construction of a replacement
18 bridge under this section.

19 **SEC. 5034. SAN FRANCISCO, CALIFORNIA.**

20 (a) PIER 70 WHARF 5 REMOVAL AND DREDGING
21 PROJECT.—

22 (1) IN GENERAL.—The Secretary, in coopera-
23 tion with the Port of San Francisco, shall carry out
24 the project for removal of Wharf 5 and associated
25 pilings and dredgings at Pier 70 in San Francisco,

1 California, substantially in accordance with the
2 Port's redevelopment plans.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated \$1,600,000
5 to carry out this subsection.

6 (b) PIERS 94–96 REPAIRS PROJECT.—

7 (1) IN GENERAL.—The Secretary, in coopera-
8 tion with the Port of San Francisco, California, may
9 carry out the project for repairs to Piers 94–96 in
10 San Francisco, California, substantially in accord-
11 ance with the Port's redevelopment plan.

12 (2) AUTHORIZATION OF APPROPRIATION.—

13 There is authorized to be appropriated \$5,000,000
14 to carry out this subsection.

15 (c) CAPITAL IMPROVEMENT PROJECT.—

16 (1) ESTABLISHMENT OF OFFICE.—The Sec-
17 retary shall establish a centralized office at the office
18 of the district engineer, San Francisco, California,
19 for the use of all Federal and State agencies that
20 are or will be involved in issuing permits and con-
21 ducting environmental reviews for the capital im-
22 provement project to repair and upgrade the water
23 supply and delivery system for the city of San Fran-
24 cisco.

1 (2) CONTRIBUTIONS.—The Secretary may use
2 the authority under section 214 of the Water Re-
3 sources Development Act of 2000 (33 U.S.C. 2201
4 note) for the project described in paragraph (1).

5 (3) PROTECTION OF IMPARTIAL DECISION-
6 MAKING.—In carrying out this subsection, the Sec-
7 retary and the heads of Federal agencies receiving
8 funds under such section 214 for the project de-
9 scribed in paragraph (1) shall ensure that the use of
10 the funds accepted under such section for such
11 project will not impact impartial decisionmaking
12 with respect to the issuance of permits, either sub-
13 stantively or procedurally, or diminish, modify, or
14 otherwise affect the statutory or regulatory authori-
15 ties of such agencies.

16 **SEC. 5035. SAN FRANCISCO, CALIFORNIA, WATERFRONT**
17 **AREA.**

18 (a) AREA TO BE DECLARED NONNAVIGABLE; PUB-
19 LIC INTEREST.—Unless the Secretary finds, after con-
20 sultation with local and regional public officials (including
21 local and regional public planning organizations), that the
22 proposed projects to be undertaken within the boundaries
23 of the portion of the San Francisco, California, waterfront
24 area described in subsection (b) are not in the public inter-

1 est, such portion is declared to be nonnavigable waters of
2 the United States.

3 (b) NORTHERN EMBARCADERO SOUTH OF BRYANT
4 STREET.—The portion of the San Francisco, California,
5 waterfront area referred to in subsection (a) is as follows:
6 Beginning at the intersection of the northwesterly line of
7 Bryant Street with the southwesterly line of Spear Street,
8 which intersection lies on the line of jurisdiction of the
9 San Francisco Port Authority; following thence westerly
10 and southerly along said line of jurisdiction as described
11 in the State of California Harbor and Navigable Code Sec-
12 tion 1770, as amended in 1961, to its intersection with
13 the easterly line of Townsend Street produced southerly;
14 thence northerly along said easterly line of Townsend
15 Street produced to its intersection with the United States
16 Government pier-head line; thence following said pier-head
17 line westerly and northerly to its intersection with the ex-
18 isting boundary line of Piers 30/32, then northerly and
19 easterly along the existing boundary of Piers 30/32 until
20 its intersection with the United States Government pier-
21 head line, thence following said pier-head line westerly and
22 northerly to the northwesterly line of Bryant Street pro-
23 duced northwesterly; thence southwesterly along said
24 northwesterly line of Bryant Street produced to the point
25 of beginning.

1 (c) REQUIREMENT THAT AREA BE IMPROVED.—The
 2 declaration of nonnavigability under subsection (a) applies
 3 only to those parts of the area described in subsection (b)
 4 that are or will be bulkheaded, filled, or otherwise occupied
 5 by permanent structures and does not affect the applica-
 6 bility of any Federal statute or regulation applicable to
 7 such parts the day before the date of enactment of this
 8 Act, including sections 9 and 10 of the Act of March 3,
 9 1899 (33 U.S.C. 401 and 403; 30 Stat. 1151), commonly
 10 known as the Rivers and Harbors Appropriation Act of
 11 1899, section 404 of the Federal Water Pollution Control
 12 Act (33 U.S.C. 1344), and the National Environmental
 13 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

14 (d) EXPIRATION DATE.—If, 20 years from the date
 15 of enactment of this Act, any area or part thereof de-
 16 scribed in subsection (b) is not bulkheaded or filled or oc-
 17 cupied by permanent structures, including marina facili-
 18 ties, in accordance with the requirements set out in sub-
 19 section (c), or if work in connection with any activity per-
 20 mitted in subsection (c) is not commenced within 5 years
 21 after issuance of such permits, then the declaration of
 22 nonnavigability for such area or part thereof shall expire.

23 **SEC. 5036. SAN PABLO BAY WATERSHED AND SUISUN**
 24 **MARSH ECOSYSTEM RESTORATION.**

25 (a) SAN PABLO BAY WATERSHED, CALIFORNIA.—

1 (1) IN GENERAL.—The Secretary shall complete
2 work, as expeditiously as possible, on the ongoing
3 San Pablo Bay watershed, California, study to deter-
4 mine the feasibility of opportunities for restoring,
5 preserving and protecting the San Pablo Bay water-
6 shed.

7 (2) REPORT.—Not later than March 31, 2008,
8 the Secretary shall transmit to Congress a report on
9 the results of the study.

10 (c) SUISUN MARSH, CALIFORNIA.—The Secretary
11 shall conduct a comprehensive study to determine the fea-
12 sibility of opportunities for restoring, preserving and pro-
13 tecting the Suisun Marsh, California.

14 (d) SAN PABLO AND SUISUN BAY MARSH WATER-
15 SHED CRITICAL RESTORATION PROJECTS.—

16 (1) IN GENERAL.—The Secretary may partici-
17 pate in critical restoration projects that will produce,
18 consistent with Federal programs, projects, activi-
19 ties, immediate and substantial ecosystem restora-
20 tion, preservation and protection benefits in the fol-
21 lowing sub-watersheds of the San Pablo and Suisun
22 Bay Marsh watersheds:

23 (A) The tidal areas of the Petaluma River,
24 Napa-Sonoma Marsh.

1 (B) The shoreline of West Contra Costa
2 County.

3 (C) Novato Creek.

4 (D) Suisun Marsh.

5 (E) Gallinas-Miller Creek.

6 Participation in such critical restoration projects
7 may include assistance for planning, design or con-
8 struction.

9 (2) NON-FEDERAL INTERESTS.—Notwith-
10 standing the requirements of section 221 of the
11 Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a
12 nonprofit entity may serve, with the consent of the
13 affected local government, as a non-Federal sponsor
14 for a project undertaken pursuant to this section.

15 (3) COST SHARING.—Before carrying out any
16 project under this section, the Secretary shall enter
17 into a partnership agreement with the non-Federal
18 interest that shall require the non-Federal interest—

19 (A) to pay 35 percent of the cost of con-
20 struction for the project;

21 (B) to provide any lands, easements,
22 rights-of-way, dredged material disposal areas
23 and relocations necessary to carry out the
24 project; and

1 (C) to pay 100 percent of the operation,
 2 maintenance, repair, replacement, and rehabili-
 3 tation costs associated with the project.

4 (4) CREDIT.—The Secretary shall credit toward
 5 the non-Federal share of the cost of construction of
 6 a project under this section—

7 (A) the value of any lands, easements,
 8 rights-of-way, dredged material disposal areas,
 9 or relocations provided for carrying out the
 10 project, regardless of the date of acquisition;

11 (B) funds received from the CALFED
 12 Bay-Delta program; and

13 (C) the cost of the studies, design and con-
 14 struction work carried out by the non-Federal
 15 interest before the date of execution of a part-
 16 nership agreement for the project if the Sec-
 17 retary determines that the work is integral to
 18 the project.

19 (5) AUTHORIZATION OF APPROPRIATIONS.—
 20 There is authorized to be appropriated to carry out
 21 this subsection \$40,000,000.

22 **SEC. 5037. STOCKTON, CALIFORNIA.**

23 (a) REEVALUATION.—The Secretary shall reevaluate
 24 the feasibility of the Lower Mosher Slough element and
 25 the levee extensions on the Upper Calaveras River element

1 of the project for flood control, Stockton Metropolitan
2 Area, California, carried out under section 211(f)(3) of the
3 Water Resources Development Act of 1996 (110 Stat.
4 3683), to determine the eligibility of such elements for re-
5 imbursement under section 211 of such Act (33 U.S.C.
6 701b–13).

7 (b) SPECIAL RULES FOR REEVALUATION.—In con-
8 ducting the reevaluation under subsection (a), the Sec-
9 retary shall not reject a feasibility determination based on
10 policies of the Corps of Engineers concerning the fre-
11 quency of flooding, the drainage area, and the amount of
12 runoff.

13 (c) REIMBURSEMENT.—If the Secretary determines
14 that the elements referred to subsection (a) are feasible,
15 the Secretary shall reimburse, subject to appropriations,
16 the non-Federal interest under section 211 of the Water
17 Resources Development Act of 1996 for the Federal share
18 of the cost of such elements.

19 **SEC. 5038. UPPER KLAMATH BASIN, CALIFORNIA.**

20 (a) DEFINITION OF UPPER KLAMATH BASIN.—In
21 this section, the term “Upper Klamath Basin” means the
22 counties of Klamath, Oregon, and Siskiyou and Modoc,
23 California.

24 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
25 may establish a program to provide environmental assist-

1 ance to non-Federal interests in the Upper Klamath
2 Basin.

3 (c) FORM OF ASSISTANCE.—Assistance under this
4 section may be in the form of design and construction as-
5 sistance to improve the efficiency and use of existing water
6 supplies in the Upper Klamath Basin through water and
7 wastewater and ecosystem restoration projects, programs,
8 and infrastructure.

9 (d) OWNERSHIP REQUIREMENT.—The Secretary may
10 provide assistance for a project under this section only if
11 the project is publicly owned.

12 (e) PARTNERSHIP AGREEMENTS.—

13 (1) IN GENERAL.—Before providing assistance
14 under this section, the Secretary shall enter into a
15 partnership agreement with a non-Federal interest
16 to provide for design and construction of the project
17 to be carried out with the assistance.

18 (2) REQUIREMENTS.—Each partnership agree-
19 ment entered into under this subsection shall provide
20 for the following:

21 (A) PLAN.—Development by the Secretary,
22 in consultation with appropriate Federal and
23 State officials, of a facilities or resource protec-
24 tion and development plan, including appro-
25 priate engineering plans and specifications.

1 (B) LEGAL AND INSTITUTIONAL STRUC-
2 TURES.—Establishment of such legal and insti-
3 tutional structures as are necessary to ensure
4 the effective long-term operation of the project
5 by the non-Federal interest.

6 (3) COST SHARING.—

7 (A) IN GENERAL.—The Federal share of
8 the project costs under each partnership agree-
9 ment entered into under this subsection shall be
10 75 percent. The Federal share may be in the
11 form of grants or reimbursements of project
12 costs.

13 (B) CREDIT FOR WORK.—The non-Federal
14 interests shall receive credit for the reasonable
15 cost of design work on a project completed by
16 the non-Federal interest before entering into a
17 partnership agreement with the Secretary for
18 such project.

19 (C) CREDIT FOR INTEREST.—In case of a
20 delay in the funding of the non-Federal share
21 of a project that is the subject of an agreement
22 under this section, the non-Federal interest
23 shall receive credit for reasonable interest in-
24 curred in providing the non-Federal share of
25 the project's costs.

1 (D) LAND, EASEMENTS, AND RIGHTS-OF-
2 WAY CREDIT.—The non-Federal interest shall
3 receive credit for land, easements, rights-of-
4 way, and relocations toward the non-Federal
5 share of project costs (including all reasonable
6 costs associated with obtaining permits nec-
7 essary for the construction, operation, and
8 maintenance of the project on publicly owned or
9 controlled land), but not to exceed 25 percent
10 of total project costs.

11 (E) OPERATION AND MAINTENANCE.—The
12 non-Federal share of operation and mainte-
13 nance costs for projects constructed with assist-
14 ance provided under this section shall be 100
15 percent.

16 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
17 LAWS.—Nothing in this section waives, limits, or other-
18 wise affects the applicability of any provision of Federal
19 or State law that would otherwise apply to a project to
20 be carried out with assistance provided under this section.

21 (g) NONPROFIT ENTITIES.—Notwithstanding section
22 221(b) of the Flood Control Act of 1970 (42 U.S.C.
23 1962d–5b(b), for any project undertaken under this sec-
24 tion, a non-Federal interest may include a nonprofit entity
25 with the consent of the affected local government.

1 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent
2 of the amounts appropriated to carry out this section may
3 be used by the Corps of Engineers district offices to ad-
4 minister projects under this section at 100 percent Fed-
5 eral expense.

6 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$25,000,000. Such sums shall remain available until ex-
9 pended.

10 **SEC. 5039. CHARLES HERVEY TOWNSHEND BREAKWATER,**
11 **CONNECTICUT.**

12 The western breakwater for the project for naviga-
13 tion, New Haven Harbor, Connecticut, authorized by the
14 1st section of the Act entitled “An Act making appropria-
15 tions for the construction, repair, and preservation of cer-
16 tain public works on rivers and harbors, and for other pur-
17 poses”, approved September 19, 1890 (26 Stat. 426),
18 shall be known and designated as the “Charles Hervey
19 Townshend Breakwater”.

20 **SEC. 5040. EVERGLADES RESTORATION, FLORIDA.**

21 (a) COMPREHENSIVE PLAN.—

22 (1) HILLSBORO AND OKEECHOBEE AQUIFER.—

23 Section 601(b)(2)(A) of the Water Resources Devel-
24 opment Act of 2000 (114 Stat. 2681) is amended—

1 (A) in clause (i) by adding at the end the
2 following: “The project for aquifer storage and
3 recovery, Hillsboro and Okeechobee Aquifer,
4 Florida, authorized by section 101(a)(16) of the
5 Water Resources Development Act of 1999
6 (113 Stat. 276), shall be treated for purposes
7 of this section as being in the Plan.”; and

8 (B) in clause (iii) by inserting after “sub-
9 paragraph (B)” the following: “and the project
10 for aquifer storage and recovery, Hillsboro and
11 Okeechobee Aquifer”.

12 (2) OUTREACH AND ASSISTANCE.—Section
13 601(k) of such Act (114 Stat. 2691–2692) is
14 amended by adding at the end the following:

15 “(3) MAXIMUM EXPENDITURES.—The Sec-
16 retary may expend up to \$3,000,000 per fiscal year
17 for fiscal years beginning after September 30, 2002,
18 to carry out this subsection.”.

19 (b) CRITICAL RESTORATION PROJECTS.—Section
20 528(b)(3)(C) of the Water Resources Development Act of
21 1996 (110 Stat. 3769; 113 Stat. 286) is amended—

22 (1) in clause (i) by striking “\$75,000,000” and
23 all that follows through “2003” and inserting
24 “\$95,000,000”; and

1 (2) in clause (ii) by striking “\$25,000,000” and
2 inserting “\$30,000,000”.

3 **SEC. 5041. FLORIDA KEYS WATER QUALITY IMPROVE-**
4 **MENTS.**

5 Section 109(e)(2) of Division B of the Miscellaneous
6 Appropriations Act, 2001 (enacted into law by Public Law
7 106–554) (114 Stat. 2763A–222) is amended by adding
8 at the end the following:

9 “(C) CREDIT FOR WORK PRIOR TO EXECU-
10 TION OF THE PARTNERSHIP AGREEMENT.—The
11 Secretary shall credit toward the non-Federal
12 share of the cost of the project (i) the cost of
13 construction work carried out by the non-Fed-
14 eral interest before the date of the partnership
15 agreement for the project if the Secretary de-
16 termines that the work is integral to the
17 project; and (ii) the cost of land acquisition car-
18 ried out by the non-Federal interest for projects
19 to be carried out under this section.”.

20 **SEC. 5042. LAKE WORTH, FLORIDA.**

21 The Secretary may carry out necessary repairs for
22 the Lake Worth bulkhead replacement project, West Palm
23 Beach, Florida, at an estimated total cost of \$9,000,000.

1 **SEC. 5043. LAKE LANIER, GEORGIA.**

2 The Secretary may assist local interests with plan-
3 ning, design, and construction of facilities at the Lake La-
4 nier Olympic Center, Georgia, in support of the 2003
5 World Kayaking Championships, at a total cost of
6 \$5,300,000.

7 **SEC. 5044. RILEY CREEK RECREATION AREA, IDAHO.**

8 The Secretary is authorized to carry out the Riley
9 Creek Recreation Area Operation Plan of the Albeni Falls
10 Management Plan, dated October 2001, for the Riley
11 Creek Recreation Area, Albeni Falls Dam, Bonner Coun-
12 ty, Idaho.

13 **SEC. 5045. RECONSTRUCTION OF ILLINOIS FLOOD PROTEC-**
14 **TION PROJECTS.**

15 (a) IN GENERAL.—The Secretary may participate in
16 the reconstruction of an eligible flood control project if the
17 Secretary determines that such reconstruction is not re-
18 quired as a result of improper operation and maintenance
19 of the project by the non-Federal interest.

20 (b) COST SHARING.—The non-Federal share of the
21 costs for the reconstruction of a flood control project au-
22 thorized by this section shall be the same Federal share
23 that was applicable to construction of the project. The
24 non-Federal interest shall be responsible for operation and
25 maintenance and repair of a project for which reconstruc-
26 tion is undertaken under this section.

1 (c) RECONSTRUCTION DEFINED.—In this section,
2 the term “reconstruction”, as used with respect to a
3 project, means addressing major project deficiencies
4 caused by long-term degradation of the foundation, con-
5 struction materials, or engineering systems or components
6 of the project, the results of which render the project at
7 risk of not performing in compliance with its authorized
8 project purposes. In addressing such deficiencies, the Sec-
9 retary may incorporate current design standards and effi-
10 ciency improvements, including the replacement of obso-
11 lete mechanical and electrical components at pumping sta-
12 tions, if such incorporation does not significantly change
13 the scope, function, and purpose of the project as author-
14 ized.

15 (d) ELIGIBLE PROJECTS.—The following flood con-
16 trol projects are eligible for reconstruction under this sec-
17 tion:

18 (1) Wood River Drainage and Levee District,
19 Illinois, authorized as part of the navigation project
20 of the Upper Mississippi River basin by section 2 of
21 the Flood Control Act of June 28, 1938 (52 Stat.
22 1218).

23 (2) Clear Creek Drainage and Levee District,
24 Illinois, authorized by section 5 of the Flood Control
25 Act of June 22, 1936 (49 Stat. 1581).

1 (3) Fort Chartres and Ivy Landing Drainage
 2 District, Illinois, authorized as part of the naviga-
 3 tion project of the Upper Mississippi River basin by
 4 section 2 of the Flood Control Act of June 22, 1938
 5 (52 Stat. 1218).

6 (e) JUSTIFICATION.—The reconstruction of a project
 7 authorized by this section shall not be considered a sepa-
 8 rable element of the project.

9 (f) AUTHORIZATION OF APPROPRIATION.—There is
 10 authorized to be appropriated \$15,000,000 to carry out
 11 this section. Such sums shall remain available until ex-
 12 pended.

13 **SEC. 5046. COOK COUNTY, ILLINOIS.**

14 Section 219(f)(54) of the Water Resources Develop-
 15 ment Act of 1992 (106 Stat. 4835; 113 Stat. 535; 114
 16 Stat. 2763A-221) is amended—

17 (1) by striking “\$35,000,000” and inserting the
 18 following:

19 “(A) IN GENERAL.—\$35,000,000”;

20 (2) by adding at the end the following:

21 “(B) CREDIT.—The Secretary shall credit
 22 toward the non-Federal share of the cost of the
 23 project not to exceed \$80,000 for the cost of
 24 planning and design work carried out by the
 25 non-Federal interest before, on, or after the

1 date of the partnership agreement for the
2 project if the Secretary determines that the
3 work is integral to the project.”; and

4 (3) by aligning the remainder of the text of
5 subparagraph (A) (as designated by paragraph (1)
6 of this section) with subparagraph (B) (as added by
7 paragraph (2) of this section).

8 **SEC. 5047. KASKASKIA RIVER BASIN, ILLINOIS, RESTORA-**
9 **TION.**

10 (a) KASKASKIA RIVER BASIN DEFINED.—In this sec-
11 tion, the term “Kaskaskia River basin” means the
12 Kaskaskia River, Illinois, its backwaters, its side channels,
13 and all tributaries, including their watersheds, draining
14 into the Kaskaskia River.

15 (b) COMPREHENSIVE PLAN.—

16 (1) DEVELOPMENT.—The Secretary shall de-
17 velop, as expeditiously as practicable, a comprehen-
18 sive plan for the purpose of restoring, preserving,
19 and protecting the Kaskaskia River basin.

20 (2) TECHNOLOGIES AND INNOVATIVE AP-
21 PROACHES.—The comprehensive plan shall provide
22 for the development of new technologies and innova-
23 tive approaches—

24 (A) to enhance the Kaskaskia River as a
25 transportation corridor;

1 (B) to improve water quality within the en-
2 tire Kaskaskia River basin;

3 (C) to restore, enhance, and preserve habi-
4 tat for plants and wildlife;

5 (D) to increase economic opportunity for
6 agriculture and business communities; and

7 (E) to reduce the impacts of flooding to
8 communities and landowners.

9 (3) SPECIFIC COMPONENTS.—The comprehen-
10 sive plan shall include such features as are necessary
11 to provide for—

12 (A) the development and implementation of
13 a program for sediment removal technology,
14 sediment characterization, sediment transport,
15 and beneficial uses of sediment;

16 (B) the development and implementation
17 of a program for the planning, conservation,
18 evaluation, and construction of measures for
19 fish and wildlife habitat conservation and reha-
20 bilitation, and stabilization and enhancement of
21 land and water resources in the basin;

22 (C) the development and implementation of
23 a long-term resource monitoring program;

1 (D) the development and implementation
2 of a computerized inventory and analysis sys-
3 tem; and

4 (E) the development and implementation
5 of a systemic plan to reduce flood impacts by
6 means of ecosystem restoration projects.

7 (4) CONSULTATION.—The comprehensive plan
8 shall be developed by the Secretary in consultation
9 with appropriate Federal agencies, the State of Illi-
10 nois, and the Kaskaskia River Coordinating Council.

11 (5) REPORT TO CONGRESS.—Not later than 2
12 years after the date of enactment of this Act, the
13 Secretary shall transmit to Congress a report con-
14 taining the comprehensive plan.

15 (6) ADDITIONAL STUDIES AND ANALYSES.—
16 After transmission of a report under paragraph (5),
17 the Secretary shall conduct studies and analyses of
18 projects related to the comprehensive plan that are
19 appropriate and consistent with this subsection.

20 (c) GENERAL PROVISIONS.—

21 (1) WATER QUALITY.—In carrying out activi-
22 ties under this section, the Secretary's recommenda-
23 tions shall be consistent with applicable State water
24 quality standards.

1 (2) PUBLIC PARTICIPATION.—In developing the
2 comprehensive plan under subsection (b), the Sec-
3 retary shall implement procedures to facilitate public
4 participation, including providing advance notice of
5 meetings, providing adequate opportunity for public
6 input and comment, maintaining appropriate
7 records, and making a record of the proceedings of
8 meetings available for public inspection.

9 (d) COORDINATION.—The Secretary shall integrate
10 activities carried out under this section with ongoing Fed-
11 eral and State programs, projects, and activities, including
12 the following:

13 (1) Farm programs of the Department of Agri-
14 culture.

15 (2) Conservation Reserve Enhancement Pro-
16 gram (State of Illinois) and Conservation 2000 Eco-
17 system Program of the Illinois Department of Nat-
18 ural Resources.

19 (3) Conservation 2000 Conservation Practices
20 Program and the Livestock Management Facilities
21 Act administered by the Illinois Department of Agri-
22 culture.

23 (4) National Buffer Initiative of the Natural
24 Resources Conservation Service.

1 (5) Nonpoint source grant program adminis-
2 tered by the Illinois Environmental Protection Agen-
3 cy.

4 (e) COST SHARING.—

5 (1) IN GENERAL.—The non-Federal share of
6 the cost of activities carried out under this section
7 shall be 35 percent.

8 (2) IN-KIND SERVICES.—The Secretary may
9 credit the cost of in-kind services provided by the
10 non-Federal interest for an activity carried out
11 under this section toward not more than 80 percent
12 of the non-Federal share of the cost of the activity.
13 In-kind services shall include all State funds ex-
14 pended on programs that accomplish the goals of
15 this section, as determined by the Secretary. The
16 programs may include the Kaskaskia River Con-
17 servation Reserve Program, the Illinois Conservation
18 2000 Program, the Open Lands Trust Fund, and
19 other appropriate programs carried out in the
20 Kaskaskia River basin.

21 **SEC. 5048. NATALIE CREEK, MIDLOTHIAN AND OAK FOR-**
22 **EST, ILLINOIS.**

23 The Secretary shall carry out a project for flood dam-
24 age reduction under section 205 of the Flood Control Act
25 of 1948 (33 U.S.C. 701s) Natalie Creek, Midlothian and

1 Oak Forest, Illinois, if the Secretary determines that the
2 project is feasible.

3 **SEC. 5049. PEORIA RIVERFRONT DEVELOPMENT, PEORIA,**
4 **ILLINOIS.**

5 The Secretary may carry out the project for Peoria
6 riverfront development, Peoria, Illinois, under section 519
7 of the Water Resources Development Act of 2000 (114
8 Stat. 2653–2655), at a total cost of \$16,000,000, with
9 an estimated Federal cost of \$10,400,000 and an esti-
10 mated non-Federal cost of \$5,600,000.

11 **SEC. 5050. ILLINOIS RIVER BASIN RESTORATION.**

12 (a) EXTENSION OF AUTHORIZATION.—Section
13 519(c)(2) of the Water Resources Development Act of
14 2000 (114 Stat. 2654) is amended by striking “2004” and
15 inserting “2010”.

16 (b) IN-KIND SERVICES.—Section 519(g)(3) of such
17 Act (114 Stat. 2655) is amended by inserting before the
18 period at the end of the first sentence “if such services
19 are provided not more than 5 years before the date of initi-
20 ation of the project or activity”.

21 **SEC. 5051. SOUTHWEST ILLINOIS.**

22 (a) DEFINITION OF SOUTHWEST ILLINOIS.—In this
23 section, the term “Southwest Illinois” means the counties
24 of Madison, St. Clair, Monroe, Randolph, Perry, Franklin,

1 Jackson, Union, Alexander, Pulaski, and Williamson, Illi-
2 nois.

3 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
4 may establish a program to provide environmental assist-
5 ance to non-Federal interests in Southwest Illinois.

6 (c) FORM OF ASSISTANCE.—Assistance under this
7 section may be in the form of design and construction as-
8 sistance for water-related environmental infrastructure
9 and resource protection and development projects in
10 Southwest Illinois, including projects for wastewater treat-
11 ment and related facilities, water supply and related facili-
12 ties, and surface water resource protection and develop-
13 ment.

14 (d) OWNERSHIP REQUIREMENT.—The Secretary may
15 provide assistance for a project under this section only if
16 the project is publicly owned.

17 (e) PARTNERSHIP AGREEMENTS.—

18 (1) IN GENERAL.—Before providing assistance
19 under this section, the Secretary shall enter into a
20 partnership agreement with a non-Federal interest
21 to provide for design and construction of the project
22 to be carried out with the assistance.

23 (2) REQUIREMENTS.—Each partnership agree-
24 ment entered into under this subsection shall provide
25 for the following:

1 (A) PLAN.—Development by the Secretary,
2 in consultation with appropriate Federal and
3 State officials, of a facilities or resource protec-
4 tion and development plan, including appro-
5 priate engineering plans and specifications.

6 (B) LEGAL AND INSTITUTIONAL STRUC-
7 TURES.—Establishment of such legal and insti-
8 tutional structures as are necessary to ensure
9 the effective long-term operation of the project
10 by the non-Federal interest.

11 (3) COST SHARING.—

12 (A) IN GENERAL.—The Federal share of
13 the project costs under each partnership agree-
14 ment entered into under this subsection shall be
15 75 percent. The Federal share may be in the
16 form of grants or reimbursements of project
17 costs.

18 (B) CREDIT FOR WORK.—The non-Federal
19 interests shall receive credit for the reasonable
20 cost of design work on a project completed by
21 the non-Federal interest before entering into a
22 partnership agreement with the Secretary for
23 such project.

24 (C) CREDIT FOR INTEREST.—In case of a
25 delay in the funding of the non-Federal share

1 of a project that is the subject of an agreement
2 under this section, the non-Federal interest
3 shall receive credit for reasonable interest in-
4 curred in providing the non-Federal share of
5 the project's costs.

6 (D) LAND, EASEMENTS, AND RIGHTS-OF-
7 WAY CREDIT.—The non-Federal interest shall
8 receive credit for land, easements, rights-of-
9 way, and relocations toward the non-Federal
10 share of project costs (including all reasonable
11 costs associated with obtaining permits nec-
12 essary for the construction, operation, and
13 maintenance of the project on publicly owned or
14 controlled land), but not to exceed 25 percent
15 of total project costs.

16 (E) OPERATION AND MAINTENANCE.—The
17 non-Federal share of operation and mainte-
18 nance costs for projects constructed with assist-
19 ance provided under this section shall be 100
20 percent.

21 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
22 LAWS.—Nothing in this section waives, limits, or other-
23 wise affects the applicability of any provision of Federal
24 or State law that would otherwise apply to a project to
25 be carried out with assistance provided under this section.

1 (g) NONPROFIT ENTITIES.—Notwithstanding section
2 221(b) of the Flood Control Act of 1970 (42 U.S.C.
3 1962d–5b(b), for any project undertaken under this sec-
4 tion, a non-Federal interest may include a nonprofit enti-
5 ty.

6 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent
7 of the amounts appropriated to carry out this section may
8 be used by the Corps of Engineers district offices to ad-
9 minister projects under this section at 100 percent Fed-
10 eral expense.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$40,000,000. Such sums shall remain available until ex-
14 pended.

15 **SEC. 5052. CALUMET REGION, INDIANA.**

16 Section 219(f)(12) of the Water Resources Develop-
17 ment Act of 1992 (113 Stat. 335) is amended—

18 (1) by striking “\$10,000,000” and inserting
19 “\$30,000,000”; and

20 (2) by striking “Lake and Porter” and insert-
21 ing “Benton, Jasper, Lake, Newton, and Porter”.

22 **SEC. 5053. RATHBUN LAKE, IOWA.**

23 (a) CONVEYANCE.—The Secretary shall convey the
24 remaining water supply storage allocation in Rathbun

1 Lake, Iowa, to the Rathbun Regional Water Association
2 (in this section referred to as the “Water Association”).

3 (b) COST SHARING.—Notwithstanding the Water
4 Supply Act of 1958 (43 U.S.C. 390b), the Water Associa-
5 tion shall pay 100 percent of the cost of the water supply
6 storage allocation to be conveyed under subsection (a).
7 The Secretary shall credit toward such non-Federal share
8 the cost of any structures and facilities constructed by the
9 Water Association at the project.

10 (c) TERMS AND CONDITIONS.—Before conveying the
11 water supply storage allocation under subsection (a), the
12 Secretary shall enter into an agreement with the Water
13 Association, under which the Water Association shall
14 agree to—

15 (1) in accordance with designs approved by the
16 Chief of Engineers, construct structures and facili-
17 ties referred to in subsection (b) that have a value
18 equal to or greater than the amount that otherwise
19 would be paid to the Federal Government for the
20 costs of the water supply storage under the Water
21 Supply Act of 1958 (43 U.S.C. 390b);

22 (2) be responsible for operating and maintain-
23 ing the structures and facilities;

24 (3) pay all operation and maintenance costs al-
25 located to the water supply storage space;

1 (4) use any revenues generated at the struc-
2 tures and facilities that are above those required to
3 operate and maintain or improve the complex to un-
4 dertake, subject to the approval of the Chief of En-
5 gineers, activities that will improve the quality of the
6 environment in the Rathbun Lake watershed area;
7 and

8 (5) such other terms and conditions as the Sec-
9 retary considers necessary to protect the interests of
10 the United States.

11 **SEC. 5054. CUMBERLAND RIVER BASIN, KENTUCKY.**

12 At reservoirs managed by the Secretary within the
13 Cumberland River basin, Kentucky, the Secretary shall
14 continue to charge fees associated with storage and main-
15 tenance of water supply that were in effect on October
16 1, 2002.

17 **SEC. 5055. MAYFIELD CREEK AND TRIBUTARIES, KEN-**
18 **TUCKY.**

19 The Secretary shall conduct a study of flood damage
20 along Mayfield Creek and tributaries between Wickliffe
21 and Mayfield, Kentucky, to determine if the damage is the
22 result of a Federal flood damage reduction project, and,
23 if the Secretary determines that the damage is the result
24 of a Federal flood damage reduction project, the Secretary

1 shall carry out a project to mitigate the damage at Federal
2 expense.

3 **SEC. 5056. NORTH FORK, KENTUCKY RIVER, BREATHITT**
4 **COUNTY, KENTUCKY.**

5 The Secretary shall rebuild the structure that is im-
6 peding high water flows on the North Fork of the Ken-
7 tucky River in Breathitt County, Kentucky, in a manner
8 that will reduce flood damages, at an estimated total cost
9 of \$1,800,000. The non-Federal interest shall provide
10 lands, easements, rights-of-way, relocations, and disposal
11 areas required for the project. Operation and maintenance
12 of the rebuilt structure shall be a non-Federal expense.

13 **SEC. 5057. SOUTHERN AND EASTERN KENTUCKY.**

14 Section 531 of the Water Resources Development Act
15 of 1996 (110 Stat. 3774; 113 Stat. 348; 117 Stat. 142)
16 is amended by adding the following:

17 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent
18 of the amounts appropriated to carry out this section for
19 fiscal years 2004 and thereafter may be used by the Corps
20 of Engineers district offices to administer projects under
21 this section at 100 percent Federal expense.”.

22 **SEC. 5058. COASTAL LOUISIANA ECOSYSTEM PROTECTION**
23 **AND RESTORATION.**

24 (a) DEFINITIONS.—In this section, the following defi-
25 nitions apply:

1 (1) COASTAL LOUISIANA ECOSYSTEM.—The
2 term “Coastal Louisiana Ecosystem” means the
3 coastal area of Louisiana from the Sabine River on
4 the west to the Pearl River on the east and includes
5 tidal waters, barrier islands, marshes, coastal wet-
6 lands, rivers and streams, and adjacent areas.

7 (2) GOVERNOR.—The term “Governor” means
8 the Governor of Louisiana.

9 (3) TASK FORCE.—The term “Task Force”
10 means the Coastal Louisiana Ecosystem Protection
11 and Restoration Task Force established by sub-
12 section (e).

13 (b) COMPREHENSIVE PLAN.—

14 (1) IN GENERAL.—The Secretary shall develop
15 a comprehensive plan for the purpose of protecting,
16 preserving, and restoring the Coastal Louisiana Eco-
17 system. The comprehensive plan shall provide for the
18 protection, conservation and restoration of the wet-
19 lands, barrier islands, shorelines, and related lands
20 and features that protect critical resources, habitat,
21 and infrastructure from the impacts of coastal
22 storms, hurricanes, erosion, and subsidence.

23 (2) DEADLINE.—Not later than July 1, 2004,
24 the Secretary shall transmit the plan to Congress.

1 (3) CONTENTS.—The plan shall include a com-
2 prehensive report and a programmatic environmental
3 impact statement covering the proposed Federal ac-
4 tion set forth in the plan.

5 (4) ADDITIONAL STUDIES AND ANALYSES.—
6 After transmission of a report under this subsection,
7 the Secretary may conduct studies and analyses of
8 projects related to the comprehensive plan that are
9 appropriate and consistent with this subsection.

10 (c) INTEGRATION OF OTHER ACTIVITIES.—

11 (1) IN GENERAL.—In developing the plan under
12 subsection (b), the Secretary shall integrate ongoing
13 Federal and State projects and activities, including
14 projects implemented under the Coastal Wetlands
15 Planning, Protection and Restoration Act (16
16 U.S.C. 3951 et seq.), the Louisiana Coastal Wet-
17 lands Conservation Plan, the Louisiana Coastal
18 Zone Management Plan, and the plan of the State
19 of Louisiana entitled “Coast 2050: Toward a Sus-
20 tainable Coastal Louisiana”.

21 (2) STATUTORY CONSTRUCTION.—

22 (A) EXISTING AUTHORITY.—Except as
23 otherwise expressly provided for in this section,
24 nothing in the section affects any authority in
25 effect on the date of enactment of this Act, or

1 any requirement relating to the participation in
2 protection or restoration activities in the Coast-
3 al Louisiana Ecosystem, including projects and
4 activities specified in paragraph (1) of—

5 (i) the Department of the Army;

6 (ii) the Department of the Interior;

7 (iii) the Department of Commerce;

8 (iv) the Environmental Protection
9 Agency;

10 (v) the Department of Agriculture;

11 (vi) the Department of Transpor-
12 tation;

13 (vii) the Department of Energy; and

14 (viii) the State of Louisiana.

15 (B) NEW AUTHORITY.—Nothing in this
16 section confers any new regulatory authority on
17 any Federal or non-Federal entity that carries
18 out any activity authorized by this section.

19 (d) COST SHARING.—The non-Federal share of the
20 cost of developing the plan under subsection (b) shall be
21 50 percent.

22 (e) COASTAL LOUISIANA ECOSYSTEM PROTECTION
23 AND RESTORATION TASK FORCE.—

24 (1) ESTABLISHMENT AND MEMBERSHIP.—

25 There is established the Coastal Louisiana Eco-

1 system Protection and Restoration Task Force,
2 which shall consist of the following members (or, in
3 the case of the head of a Federal Agency, a designee
4 at the level of Assistant Secretary or an equivalent
5 level):

6 (A) The Secretary.

7 (B) The Secretary of the Interior.

8 (C) The Secretary of Commerce.

9 (D) The Administrator of the Environ-
10 mental Protection Agency.

11 (E) The Secretary of Agriculture.

12 (F) The Secretary of Transportation.

13 (G) The Secretary of Energy.

14 (H) The Coastal Advisor to the Governor.

15 (I) The Secretary of the Louisiana Depart-
16 ment of Natural Resources.

17 (J) A representative of the Governor's Ad-
18 visory Commission on Coastal Restoration and
19 Conservation, Louisiana.

20 (2) DUTIES OF TASK FORCE.—The Task
21 Force—

22 (A) shall consult with, and provide rec-
23 ommendations to, the Secretary during develop-
24 ment of the comprehensive plan under sub-
25 section (b)(1);

1 (B) shall coordinate the development of
2 consistent policies, strategies, plans, programs,
3 projects, activities, and priorities for addressing
4 the protection, conservation, and restoration of
5 the Coastal Louisiana Ecosystem;

6 (C) shall exchange information regarding
7 programs, projects, and activities of the agen-
8 cies and entities represented on the Task Force
9 to promote ecosystem protection, restoration,
10 and maintenance;

11 (D) shall establish a regional working
12 group which shall include representatives of the
13 agencies and entities represented on the Task
14 Force as well as other governmental entities as
15 appropriate for the purpose of formulating, rec-
16 ommending, coordinating, and implementing
17 policies, strategies, plans, programs, projects,
18 activities, and priorities of the Task Force;

19 (E) may allow the working group described
20 in subparagraph (D) to—

21 (i) establish such advisory bodies as
22 are necessary to assist the Task Force in
23 its duties; and

1 (ii) select as an advisory body any en-
2 tity that represents a broad variety of pri-
3 vate and public interests;

4 (F) shall facilitate the resolution of inter-
5 agency and intergovernmental conflicts associ-
6 ated with the protection, conservation, and res-
7 toration of the Coastal Louisiana Ecosystem;

8 (G) shall coordinate scientific research as-
9 sociated with the protection and restoration of
10 the Coastal Louisiana Ecosystem;

11 (H) shall provide assistance and support to
12 agencies and entities represented on the Task
13 Force in their protection and restoration activi-
14 ties;

15 (I) shall prepare an integrated financial
16 plan and recommendations for coordinated
17 budget requests for the funds proposed to be
18 expended by agencies and entities represented
19 on the Task Force for the protection, conserva-
20 tion, and restoration of the Coastal Louisiana
21 Ecosystem; and

22 (J) shall transmit to the Committee on
23 Transportation and Infrastructure of the House
24 of Representatives and the Committee on Envi-
25 ronment and Public Works of the Senate a re-

1 port that summarizes the activities of the Task
2 Force.

3 (3) PROCEDURES AND ADVICE.—

4 (A) PUBLIC PARTICIPATION.—

5 (i) IN GENERAL.—The Task Force
6 shall implement procedures to facilitate
7 public participation in the advisory proc-
8 ess, including providing advance notice of
9 meetings, providing adequate opportunity
10 for public input and comment, maintaining
11 appropriate records, and making a record
12 of proceedings of meetings available for
13 public inspection.

14 (ii) OVERSIGHT.—The Secretary shall
15 ensure that the procedures described in
16 clause (i) are adopted and implemented
17 and that the records described in clause (i)
18 are accurately maintained and available for
19 public inspection.

20 (B) ADVISORS TO THE TASK FORCE AND
21 WORKING GROUPS.—The Task Force or the
22 working group described in paragraph (2)(D)
23 may seek such advice and input from any inter-
24 ested, knowledgeable, or affected party as the
25 Task Force or working group determines to be

1 necessary to perform the duties described in
2 paragraph (2).

3 (C) APPLICATION OF THE FEDERAL ADVI-
4 SORY COMMITTEE ACT.—The Task Force, advi-
5 sors to the Task Force, and any associated
6 workgroups shall not be considered advisory
7 committees under the Federal Advisory Com-
8 mittee Act (5 U.S.C. App.).

9 (4) COMPENSATION.—A member of the Task
10 Force shall receive no additional compensation for
11 the services provided as a member of the Task
12 Force.

13 (5) TRAVEL EXPENSES.—Travel expenses in-
14 curred by a member of the Task Force in the per-
15 formance of services for the Task Force shall be
16 paid by the agency or entity that the member rep-
17 resents.

18 **SEC. 5059. BATON ROUGE, LOUISIANA.**

19 Section 219(f)(21) of the Water Resources Develop-
20 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)
21 is amended by striking “\$20,000,000” and inserting
22 “\$35,000,000”.

23 **SEC. 5060. LAKE PONTCHARTRAIN, LOUISIANA.**

24 For purposes of carrying out section 121 of the Fed-
25 eral Water Pollution Control Act (33 U.S.C. 1271), the

1 Lake Pontchartrain, Louisiana, basin stakeholders con-
2 ference convened by the Environmental Protection Agen-
3 cy, the National Oceanic and Atmospheric Administration,
4 and United States Geological Survey on February 25,
5 2002, shall be treated as being a management conference
6 convened under section 320 of such Act (33 U.S.C. 1330).

7 **SEC. 5061. WEST BATON ROUGE PARISH, LOUISIANA.**

8 Section 517(5) of the Water Resources Development
9 Act of 1999 (113 Stat. 345) is amended to read as follows:

10 “(5) Mississippi River, West Baton Rouge Par-
11 ish, Louisiana, project for waterfront and riverine
12 preservation, restoration, enhancement modifica-
13 tions, and interpretive center development.”.

14 **SEC. 5062. CHESAPEAKE BAY SHORELINE, MARYLAND, VIR-**
15 **GINIA, PENNSYLVANIA, AND DELAWARE.**

16 (a) IN GENERAL.—In carrying out comprehensive
17 study of the feasibility of a project to address shoreline
18 erosion and related sediment management measures to
19 protect water and land resources of the Chesapeake Bay,
20 the Secretary may carry out pilot projects to demonstrate
21 the feasibility of alternative measures to address sediment
22 loads to the Chesapeake Bay from sediment behind dams
23 on the lower Susquehanna River.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$5,000,000 to carry out this
3 section.

4 **SEC. 5063. DELMARVA CONSERVATION CORRIDOR, MARY-**
5 **LAND.**

6 (a) ASSISTANCE.—The Secretary may provide tech-
7 nical assistance to the Secretary of Agriculture in carrying
8 out the Conservation Corridor Demonstration Program
9 authorized under subtitle G of title II of Public Law 107–
10 171 (116 Stat. 275–278).

11 (b) COORDINATION AND INTEGRATION.—In carrying
12 out water resources projects in the State of Maryland on
13 land located on the east side of the Chesapeake Bay, the
14 Secretary shall coordinate and integrate, to the extent
15 practicable, such projects with any activities undertaken
16 to implement a conservation corridor plan approved by the
17 Secretary of Agriculture under section 2602 of Public Law
18 107–171 (116 Stat. 275–276).

19 **SEC. 5064. DETROIT RIVER, MICHIGAN.**

20 Section 568(c)(2) of the Water Resources Develop-
21 ment Act of 1999 (113 Stat. 368) is amended by striking
22 “\$1,000,000” and inserting “\$25,000,000”.

23 **SEC. 5065. OAKLAND COUNTY, MICHIGAN.**

24 Section 219(f)(29) of the Water Resources Develop-
25 ment Act of 1992 (113 Stat. 336) is amended by inserting

1 “sanitary sewer overflows and” before “combined sewer
2 overflows”.

3 **SEC. 5066. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**
4

5 The Secretary shall carry out feasible aquatic eco-
6 system restoration projects identified in the comprehensive
7 management plan for St. Clair River and Lake St. Clair,
8 Michigan, developed under section 426 of the Water Re-
9 sources Development Act of 1999 (113 Stat. 326), at a
10 total Federal cost of not to exceed \$5,000,000.

11 **SEC. 5067. CROOKSTON, MINNESOTA.**

12 The Secretary shall conduct a study for a project for
13 emergency streambank protection in the vicinity of High-
14 way 2, Crookston, Minnesota, and, if the Secretary deter-
15 mines that the project is feasible, may carry out the
16 project under section 14 of the Flood Control Act of 1946
17 (33 U.S.C. 701r); except that the maximum amount of
18 Federal funds that may be expended for the project shall
19 be \$6,500,000.

20 **SEC. 5068. GARRISON AND KATHIO TOWNSHIP, MINNESOTA.**

21 (a) PROJECT DESCRIPTION.—Section 219(f)(61) of
22 the Water Resources Development Act of 1992 (114 Stat.
23 2763A–221) is amended—

1 (1) in the paragraph heading by striking
2 “TOWNSHIP” and inserting “AND CROW WING AND
3 MILLE LACS COUNTIES”;

4 (2) by inserting “, Crow Wing County, Mille
5 Lacs County,” after “Garrison”; and

6 (3) by adding at the end the following: “Such
7 assistance shall be provided directly to the Garrison-
8 Kathio-West Mille Lacs Lake Sanitary District,
9 Minnesota.”.

10 (b) PROCEDURES.—In carrying out the project for
11 Garrison and Kathio Township, Minnesota, authorized by
12 such section 219(f)(61), the Secretary may use the cost
13 sharing and contracting procedures available to the Sec-
14 retary under section 569 of the Water Resources Develop-
15 ment Act of 1999 (113 Stat. 368).

16 **SEC. 5069. NORTHEASTERN MINNESOTA.**

17 (a) IN GENERAL.—Section 569 of the Water Re-
18 sources Development Act of 1999 (113 Stat. 368) is
19 amended—

20 (1) in subsection (a) by striking “Benton,
21 Sherburne,” and inserting “Beltrami, Hubbard,
22 Wadena,”;

23 (2) by striking the last sentence of subsection
24 (e)(3)(B);

1 (3) by striking subsection (g) and inserting the
2 following:

3 “(g) NONPROFIT ENTITIES.—Notwithstanding sec-
4 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
5 1962d–5b(b)), for any project undertaken under this sec-
6 tion, a non-Federal interest may include a nonprofit enti-
7 ty.”; and

8 (4) by adding at the end the following:

9 “(i) CORPS OF ENGINEERS EXPENSES.—Ten percent
10 of the amounts appropriated to carry out this section may
11 be used by the Corps of Engineers district offices to ad-
12 minister projects under this section at 100 percent Fed-
13 eral expense.”.

14 (b) BIWABIK, MINNESOTA.—The Secretary shall re-
15 imburse the non-Federal interest for the project for envi-
16 ronmental infrastructure, Biwabik, Minnesota, carried out
17 under section 569 of the Water Resources Development
18 Act of 1999 (113 Stat. 368–369), for planning, design,
19 and construction costs that were incurred by the non-Fed-
20 eral interest with respect to the project before the date
21 of the partnership agreement for the project and that were
22 in excess of the non-Federal share of the cost of the
23 project if the Secretary determines that the costs are ap-
24 propriate.

1 **SEC. 5070. DESOTO COUNTY, MISSISSIPPI.**

2 Section 219(f)(30) of the Water Resources Develop-
3 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)
4 is amended by striking “\$20,000,000” and inserting
5 “\$30,000,000”.

6 **SEC. 5071. HARRISON, HANCOCK, AND JACKSON COUNTIES,**
7 **MISSISSIPPI.**

8 In carrying out projects for the protection, restora-
9 tion, and creation of aquatic and ecologically related habi-
10 tats located in Harrison, Hancock, and Jackson Counties,
11 Mississippi, under section 204 of the Water Resources De-
12 velopment Act of 1992 (33 U.S.C. 2326), the Secretary
13 shall accept any portion of the non-Federal share of the
14 cost of the project in the form of services, materials, sup-
15 plies, and other in-kind contributions.

16 **SEC. 5072. MISSISSIPPI RIVER, MISSOURI, AND ILLINOIS.**

17 As a part of the operation and maintenance of the
18 project for the Mississippi River (Regulating Works), be-
19 tween the Ohio and Missouri Rivers, Missouri and Illinois,
20 authorized by the first section of an Act entitled “Making
21 appropriations for the construction, repair, and preserva-
22 tion of certain public works on rivers and harbors, and
23 for other purposes”, approved June 25, 1910, the Sec-
24 retary may carry out activities necessary to restore and
25 protect fish and wildlife habitat in the middle Mississippi
26 River system. Such activities may include modification of

1 navigation training structures, modification and creation
2 of side channels, modification and creation of islands, and
3 studies and analysis necessary to apply adaptive manage-
4 ment principles in design of future work.

5 **SEC. 5073. ST. LOUIS, MISSOURI.**

6 Section 219(f)(32) of the Water Resources Develop-
7 ment Act of 1992 (106 Stat. 4835–4836; 113 Stat. 337)
8 is amended by striking “\$15,000,000” and inserting
9 “\$35,000,000”.

10 **SEC. 5074. DELAWARE RIVER, TRENTON, NEW JERSEY.**

11 The Secretary shall provide assistance to address
12 floating and partially submerged debris in that portion of
13 the Delaware River downstream from Trenton, New Jer-
14 sey.

15 **SEC. 5075. HACKENSACK MEADOWLANDS AREA, NEW JER-**
16 **SEY.**

17 Section 324 of the Water Resources Development Act
18 of 1992 (106 Stat. 4849; 110 Stat. 3779) is amended—

19 (1) in subsection (a)—

20 (A) by striking “design” and inserting
21 “planning, design,”; and

22 (B) by striking “Hackensack Meadowlands
23 Development” and all that follows through
24 “Plan for” and inserting “New Jersey

1 Meadowlands Commission for the development
2 of an environmental improvement program for”;
3 (2) in subsection (b)—

4 (A) in the subsection heading by striking
5 “REQUIRED”;

6 (B) by striking “shall” and inserting
7 “may”;

8 (C) by striking paragraph (1) and insert-
9 ing the following:

10 “(1) Restoration and acquisitions of significant
11 wetlands and aquatic habitat that contribute to the
12 Meadowlands ecosystem.”;

13 (D) in paragraph (2) by inserting “and
14 aquatic habitat” before the period at the end;
15 and

16 (E) by striking paragraph (7) and insert-
17 ing the following:

18 “(7) Research, development, and implementa-
19 tion for a water quality improvement program, in-
20 cluding restoration of hydrology and tidal flows and
21 remediation of hot spots and other sources of con-
22 taminants that degrade existing or planned sites.”;

23 (3) in subsection (c) by inserting before the last
24 sentence the following: “The non-Federal sponsor
25 may also provide in-kind services, not to exceed 25

1 percent of the total project cost, and may also re-
2 ceive credit for reasonable cost of design work com-
3 pleted prior to entering into the partnership agree-
4 ment with the Secretary for a project to be carried
5 out under the program developed under subsection
6 (a).”; and

7 (4) in subsection (d) by striking “\$5,000,000”
8 and inserting “\$35,000,000”.

9 **SEC. 5076. ATLANTIC COAST OF NEW YORK.**

10 (a) DEVELOPMENT OF PROGRAM.—Section 404(a) of
11 the Water Resources Development Act of 1992 (106 Stat.
12 4863) is amended—

13 (1) by striking “processes” and inserting “and
14 related environmental processes”;

15 (2) by inserting after “Atlantic Coast” the fol-
16 lowing: “(and associated back bays)”;

17 (3) by inserting after “actions” the following: “,
18 environmental restoration or conservation measures
19 for coastal and back bays,”; and

20 (4) by inserting at the end the following: “The
21 plan for collecting data and monitoring information
22 included in such annual report shall be fully coordi-
23 nated with and agreed to by appropriate agencies of
24 the State of New York.”.

1 (b) ANNUAL REPORTS.—Section 404(b) of such Act
2 is amended—

3 (1) by striking “INITIAL PLAN.—Not later than
4 12 months after the date of the enactment of this
5 Act, the” and inserting “ANNUAL REPORTS.—The”;

6 (2) by striking “initial plan for data collection
7 and monitoring” and inserting “annual report of
8 data collection and monitoring activities”; and

9 (3) by striking the last sentence.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
11 404(c) of such Act (113 Stat. 341) is amended by striking
12 “and an additional total of \$2,500,000 for fiscal years
13 thereafter” and inserting “\$2,500,000 for fiscal years
14 2000 through 2002, and \$17,000,000 for fiscal years be-
15 ginning after September 30, 2002,”.

16 **SEC. 5077. COLLEGE POINT, NEW YORK CITY, NEW YORK.**

17 In carrying out section 312 of the Water Resources
18 Development Act of 1990 (104 Stat. 4639–4640), the Sec-
19 retary shall give priority to work in College Point, New
20 York City, New York.

21 **SEC. 5078. FLUSHING BAY AND CREEK, NEW YORK CITY,**
22 **NEW YORK.**

23 The Secretary shall credit toward the non-Federal
24 share of the cost of the project for ecosystem restoration,
25 Flushing Bay and Creek, New York City, New York, the

1 cost of design and construction work carried out by the
2 non-Federal interest before the date of the partnership
3 agreement for the project if the Secretary determines that
4 the work is integral to the project.

5 **SEC. 5079. GATEWAY POINT, NORTH TONAWANDA, NEW**
6 **YORK.**

7 The Secretary shall review the shoreline stabilization,
8 recreation, and public access components of the feasibility
9 report for waterfront development at Gateway Point,
10 North Tonawanda, New York, entitled “City of North
11 Tonawanda, Gateway Point Feasibility”, dated February
12 6, 2003, and prepared by the non-Federal interest and,
13 if the Secretary determines that those components meet
14 the evaluation and design standards of the Corps of Engi-
15 neers and that the components are feasible, may carry out
16 the components at a Federal cost not to exceed
17 \$3,300,000.

18 **SEC. 5080. LITTLE NECK BAY, VILLAGE OF KINGS POINT,**
19 **NEW YORK.**

20 (a) IN GENERAL.—The Secretary may carry out a
21 navigation project at Little Neck Bay (Hague Basin), Vil-
22 lage of Kings Point, New York, sufficient to permit the
23 safe operation of the vessel T/V Kings Pointer at all tide
24 levels.

1 (b) REIMBURSEMENT.—The Secretary shall seek re-
2 imbursement from the United States Merchant Marine
3 Academy for the cost of the project carried out under this
4 section.

5 **SEC. 5081. ONONDAGA LAKE, NEW YORK.**

6 Section 573 of the Water Resources Development Act
7 of 1999 (113 Stat. 372–373) is amended—

8 (1) in subsection (f) by striking “\$10,000,000”
9 and inserting “\$30,000,000”;

10 (2) by redesignating subsections (f) and (g) as
11 subsections (g) and (h), respectively; and

12 (3) by inserting after subsection (e) the fol-
13 lowing:

14 “(f) NONPROFIT ENTITIES.—Notwithstanding sec-
15 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
16 1962d–5b(b)), for any project carried out under this sec-
17 tion, a non-Federal sponsor may include a nonprofit enti-
18 ty, with the consent of the affected local government.”.

19 **SEC. 5082. TIMES BEACH DIKE, BUFFALO, NEW YORK.**

20 As part of operation and maintenance of the Buffalo
21 Harbor and Buffalo River navigation projects, the Sec-
22 retary may repair the Times Beach confined disposal facil-
23 ity dike, Buffalo, New York.

1 **SEC. 5083. JOHN H. KERR DAM AND RESERVOIR, NORTH**
2 **CAROLINA.**

3 The Secretary shall expedite the completion of the
4 calculations necessary to negotiate and execute a revised,
5 permanent contract for water supply storage at John H.
6 Kerr Dam and Reservoir, North Carolina, among the Sec-
7 retary and the Kerr Lake Regional Water System and the
8 city of Henderson, North Carolina.

9 **SEC. 5084. STANLY COUNTY, NORTH CAROLINA.**

10 Section 219(f)(64) of the Water Resources Develop-
11 ment Act of 1992 (114 Stat. 2763A–221) is amended by
12 inserting “water and” before “wastewater”.

13 **SEC. 5085. CENTRAL RIVERFRONT PARK, CINCINNATI,**
14 **OHIO.**

15 If the Secretary is authorized to carry out a down-
16 town waterfront development project for the Central
17 Riverfront Park, Cincinnati, Ohio, the Secretary shall
18 credit toward the non-Federal share of the cost of the
19 project the cost of—

20 (1) design and construction work undertaken by
21 the non-Federal interest before entering into a part-
22 nership agreement for the project with the Secretary
23 if the Secretary determines that the work is integral
24 to the project; and

25 (2) land, easements, rights-of-way, and reloca-
26 tions provided by the non-Federal interest.

1 **SEC. 5086. PIEDMONT LAKE DAM, OHIO.**

2 In reconstructing the road on the Piedmont Lake
3 Dam as part of the project for dam safety assurance, Pied-
4 mont Lake Dam, Ohio, being carried out under section
5 4 of the Flood Control Act of August 11, 1939 (53 Stat.
6 1414–1415), the Secretary shall upgrade the condition of
7 the road to meet standards applicable to public use roads
8 in the State of Ohio. The incremental cost of upgrading
9 the road to meet such standards shall be a non-Federal
10 expense.

11 **SEC. 5087. OHIO.**

12 Section 594(g) of the Water Resources Development
13 Act of 1999 (113 Stat. 383) is amended by striking
14 “\$60,000,000” and inserting “\$90,000,000”.

15 **SEC. 5088. WAURIKA LAKE, OKLAHOMA.**

16 The remaining obligation of the Waurika Project
17 Master Conservancy District payable to the United States
18 Government in the amounts, rates of interest, and pay-
19 ment schedules is set at the amounts, rates of interest,
20 and payment schedules that existed, and that both parties
21 agreed to, on June 3, 1986, and may not be adjusted,
22 altered, or changed without a specific, separate, and writ-
23 ten agreement between the District and the United States
24 Government.

1 **SEC. 5089. COLUMBIA RIVER, OREGON.**

2 Section 401(b)(3) of Public Law 100–581 (102 Stat.
3 2944), is amended by inserting “and Celilo Village, Or-
4 egon” after “existing sites”.

5 **SEC. 5090. EUGENE, OREGON.**

6 (a) IN GENERAL.—The Secretary shall conduct a
7 study to determine the feasibility of restoring the millrace
8 in Eugene, Oregon, and, if the Secretary determines that
9 the restoration is feasible, shall carry out the restoration.

10 (b) CONSIDERATION OF NONECONOMIC BENEFITS.—
11 In determining the feasibility of restoring the millrace, the
12 Secretary shall include noneconomic benefits associated
13 with the historical significance of the millrace and associ-
14 ated with preservation and enhancement of resources.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$20,000,000.

18 **SEC. 5091. JOHN DAY LOCK AND DAM, LAKE UMATILLA, OR-**
19 **EGON AND WASHINGTON.**

20 (a) IN GENERAL.—The Secretary shall pay up to
21 \$2,500,000 to the provider of research and curation sup-
22 port previously provided to the Federal Government as a
23 result of the multipurpose project, John Day Lock and
24 Dam, Lake Umatilla, Oregon and Washington, authorized
25 by section 101 of the River and Harbor Act of 1950 (64
26 Stat. 167), and the several navigation and flood damage

1 reduction projects constructed on the Columbia River and
2 Lower Willamette River, Oregon and Washington.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$2,500,000.

6 **SEC. 5092. LOWELL, OREGON.**

7 (a) IN GENERAL.—The Secretary may convey with-
8 out consideration to Lowell School District, by quitclaim
9 deed, all right, title and interest of the United States in
10 and to approximately 3.32 acres of land and buildings
11 thereon, known as Tract A-82, located in Lowell, Oregon,
12 and described in subsection (b).

13 (b) DESCRIPTION OF PROPERTY.—The parcel of land
14 authorized to be conveyed under subsection (a) is as fol-
15 lows: Commencing at the point of intersection of the west
16 line of Pioneer Street with the westerly extension of the
17 north line of Summit Street, in Meadows Addition to Low-
18 ell, as platted and recorded at page 56 of Volume 4, Lane
19 County Oregon Plat Records; thence north on the west
20 line of Pioneer Street a distance of 176.0 feet to the true
21 point of beginning of this description; thence north on the
22 west line of Pioneer Street a distance of 170.0 feet; thence
23 west at right angles to the west line of Pioneer Street a
24 distance of 250.0 feet; thence south and parallel to the
25 west line of Pioneer Street a distance of 170.0 feet; thence

1 east 250.0 feet to the true point of beginning of this de-
2 scription in Section 14, Township 19 South, Range 1 West
3 of the Willamette Meridian, Lane County, Oregon.

4 (c) TERMS AND CONDITIONS.—Before conveying the
5 parcel to the school district, the Secretary shall ensure
6 that the conditions of buildings and facilities meet the re-
7 quirements of applicable Federal law.

8 (d) GENERALLY APPLICABLE PROVISIONS.—

9 (1) APPLICABILITY OF PROPERTY SCREENING
10 PROVISIONS.—Section 2696 of title 10, United
11 States Code, shall not apply to any conveyance
12 under this section.

13 (2) LIABILITY.—An entity to which a convey-
14 ance is made under this section shall hold the
15 United States harmless from any liability with re-
16 spect to activities carried out, on or after the date
17 of the conveyance, on the real property conveyed.
18 The United States shall remain responsible for any
19 liability with respect to activities carried out, before
20 such date, on the real property conveyed.

21 **SEC. 5093. HAGERMAN'S RUN, WILLIAMSPORT, PENNSYL-**
22 **VANIA.**

23 The Secretary may rehabilitate the pumps at the
24 project for flood damage reduction, Hagerman's Run, Wil-

1 liamsport, Pennsylvania, at a total Federal cost of
2 \$225,000.

3 **SEC. 5094. NORTHEAST PENNSYLVANIA.**

4 Section 219(f)(11) of the Water Resources Develop-
5 ment Act of 1992 (113 Stat. 335) is amended by striking
6 “and Monroe” and inserting “Northumberland, Union,
7 Snyder, and Montour”.

8 **SEC. 5095. SUSQUEHANNOCK CAMPGROUND ACCESS ROAD,**
9 **RAYSTOWN LAKE, PENNSYLVANIA.**

10 (a) IMPROVEMENT OF ACCESS ROAD.—The Sec-
11 retary may make improvements to the Susquehannock
12 Campground access road at Raystown Lake, Pennsyl-
13 vania.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$500,000.

17 **SEC. 5096. UPPER SUSQUEHANNA RIVER BASIN, PENNSYL-**
18 **VANIA AND NEW YORK.**

19 Section 567 of the Water Resources Development Act
20 of 1996 (110 Stat. 3787–3788; 114 Stat. 2662–2663) is
21 amended—

22 (1) in subsection (a)(2) by striking
23 “\$10,000,000.” and inserting the following:
24 “\$20,000,000, of which the Secretary may utilize
25 not more than \$5,000,000 to design and construct

1 feasible pilot projects during the development of the
2 strategy to demonstrate alternative approaches for
3 the strategy. The total cost for any single pilot
4 project may not exceed \$500,000. The Secretary
5 shall evaluate the results of the pilot projects and
6 consider the results in the development of the strat-
7 egy.”;

8 (2) in subsection (c)—

9 (A) in the subsection heading by striking
10 “COOPERATION” and inserting “COOPERA-
11 TIVE”; and

12 (B) by striking “cooperation” and insert-
13 ing “cooperative”; and

14 (3) by adding at the end the following:

15 “(e) CREDIT.—The Secretary shall credit toward the
16 non-Federal share of the cost of the project (i) the cost
17 of design and construction work carried out by the non-
18 Federal interest before the date of the partnership agree-
19 ment for the project if the Secretary determines that the
20 work is integral to the project; and (ii) the cost of in-kind
21 services and materials provided for the project by the non-
22 Federal interest.”.

1 **SEC. 5097. WASHINGTON, GREENE, WESTMORELAND, AND**
2 **FAYETTE COUNTIES, PENNSYLVANIA.**

3 Section 219(f)(70) of the Water Resources Develop-
4 ment Act of 1992 (114 Stat. 2763A–221) is amended by
5 striking “\$8,000,000” and inserting “\$13,300,000”.

6 **SEC. 5098. CANO MARTIN PENA, SAN JUAN, PUERTO RICO.**

7 The Secretary shall review a report prepared by the
8 non-Federal interest concerning flood protection and envi-
9 ronmental restoration for Cano Martin Pena, San Juan,
10 Puerto Rico, and, if the Secretary determines that the re-
11 port meets the evaluation and design standards of the
12 Corps of Engineers and that the project is feasible, may
13 carry out the project, at a total cost of \$130,000,000, with
14 an estimated Federal cost of \$85,000,000 and an esti-
15 mated non-Federal cost of \$45,000,000.

16 **SEC. 5099. BEAUFORT AND JASPER COUNTIES, SOUTH**
17 **CAROLINA.**

18 The Secretary may accept from the Department of
19 the Navy, and may use, not to exceed \$23,000,000 to as-
20 sist the Beaufort Jasper Water and Sewage Authority,
21 South Carolina, with its plan to consolidate civilian and
22 military wastewater treatment facilities.

23 **SEC. 5100. COOPER RIVER, SOUTH CAROLINA.**

24 (a) IN GENERAL.—The Secretary is authorized to
25 provide technical and financial assistance for the removal

1 of the Grace and Pearman Bridges over the Cooper River,
2 South Carolina.

3 (b) AUTHORIZATION OF APPROPRIATION.—There is
4 authorized to be appropriated \$5,000,000 to carry out this
5 section.

6 **SEC. 5101. LAKES MARION AND MOULTRIE, SOUTH CARO-**
7 **LINA.**

8 Section 219(f)(25) of the Water Resources Develop-
9 ment Act of 1992 (113 Stat. 336; 114 Stat. 2763A–220)
10 is amended—

11 (1) by striking “\$15,000,000” and inserting
12 “\$35,000,000”; and

13 (2) by inserting “wastewater treatment and”
14 before “water supply”.

15 **SEC. 5102. UPPER BIG SIOUX RIVER, WATERTOWN, SOUTH**
16 **DAKOTA.**

17 (a) IN GENERAL.—The Secretary shall review the
18 project for flood damage reduction, Upper Big Sioux River
19 basin, Watertown, South Dakota, as described in the re-
20 port of the Chief of Engineers, dated August 31, 1994,
21 and entitled “Watertown and Vicinity, South Dakota”
22 and, if the Secretary determines that the project is fea-
23 sible, may carry out the project, at a total cost of
24 \$25,000,000.

25 (b) NON-FEDERAL SHARE.—

1 (1) IN GENERAL.—The non-Federal share of
2 the cost of the review may be provided in the form
3 of in-kind services and materials.

4 (2) CREDIT.—The Secretary shall credit toward
5 the non-Federal share of the cost of the review the
6 cost of planning and design work carried out by the
7 non-Federal interest before the date of an agreement
8 for the review if the Secretary determines that such
9 work is integral to the review.

10 **SEC. 5103. FRITZ LANDING, TENNESSEE.**

11 The Secretary shall—

12 (1) conduct a study of the Fritz Landing Agri-
13 cultural Spur Levee, Tennessee, to determine the ex-
14 tent of levee modifications that would be required to
15 make the levee and associated drainage structures
16 consistent with Federal standards;

17 (2) design and construct such modifications;
18 and

19 (3) after completion of such modifications, in-
20 corporate the levee into the project for flood control,
21 Mississippi River and Tributaries, authorized by the
22 Act entitled “An Act for the control of floods on the
23 Mississippi River and its tributaries, and for other
24 purposes”, approved May 15, 1928 (45 Stat. 534—

1 539), commonly known as the “Flood Control Act of
2 1928”.

3 **SEC. 5104. J. PERCY PRIEST DAM AND RESERVOIR, OHIO**
4 **RIVER BASIN, TENNESSEE.**

5 The Secretary shall plan, design and construct up-
6 grades to the existing trail system at the J. Percy Priest
7 Dam and Reservoir, Ohio River Basin, Tennessee, author-
8 ized by section 4 of the Act entitled “An Act authorizing
9 the construction of certain public works on rivers and har-
10 bors for flood control, and for other purposes”, approved
11 June 28, 1938 (52 Stat. 1217), including design and con-
12 struction of support facilities for public health and safety
13 associated with trail development. In carrying out such im-
14 provements, the Secretary is authorized to use funds made
15 available by the State of Tennessee from any Federal or
16 State source, or both.

17 **SEC. 5105. MEMPHIS, TENNESSEE.**

18 The Secretary shall review the aquatic ecosystem res-
19 toration component of the Memphis Riverfront Develop-
20 ment Master Plan, Memphis, Tennessee, prepared by the
21 non-Federal interest and, if the Secretary determines that
22 the component meets the evaluation and design standards
23 of the Corps of Engineers and that the component is fea-
24 sible, may carry out the component at a total Federal cost
25 not to exceed \$5,000,000.

1 **SEC. 5106. TOWN CREEK, LENOIR CITY, TENNESSEE.**

2 The Secretary shall design and construct the project
3 for flood damage reduction designated as Alternative 4 in
4 the Town Creek, Lenoir City, Loudon City, Tennessee,
5 feasibility report of the Nashville district engineer, dated
6 November 2000, under the authority of section 205 of the
7 Flood Control Act of 1948 (33 U.S.C. 701s), notwith-
8 standing section 1 of the Flood Control Act of June 22,
9 1936 (33 U.S.C. 701a; 49 Stat. 1570). The non-Federal
10 share of the cost of the project shall be subject to section
11 103(a) of the Water Resources Development Act of 1986
12 (33 U.S.C. 2213(a)).

13 **SEC. 5107. EAST TENNESSEE.**

14 (a) DEFINITION OF EAST TENNESSEE.—In this sec-
15 tion, the term “East Tennessee” means the counties of
16 Blount, Knox, Loudon, McMinn, Monroe, and Sevier, Ten-
17 nessee.

18 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
19 may establish a program to provide environmental assist-
20 ance to non-Federal interests in East Tennessee.

21 (c) FORM OF ASSISTANCE.—Assistance under this
22 section may be in the form of design and construction as-
23 sistance for water-related environmental infrastructure
24 and resource protection and development projects in East
25 Tennessee, including projects for wastewater treatment

1 and related facilities, water supply and related facilities,
2 and surface water resource protection and development.

3 (d) OWNERSHIP REQUIREMENT.—The Secretary may
4 provide assistance for a project under this section only if
5 the project is publicly owned.

6 (e) PARTNERSHIP AGREEMENTS.—

7 (1) IN GENERAL.—Before providing assistance
8 under this section, the Secretary shall enter into a
9 partnership agreement with a non-Federal interest
10 to provide for design and construction of the project
11 to be carried out with the assistance.

12 (2) REQUIREMENTS.—Each partnership agree-
13 ment entered into under this subsection shall provide
14 for the following:

15 (A) PLAN.—Development by the Secretary,
16 in consultation with appropriate Federal and
17 State officials, of a facilities or resource protec-
18 tion and development plan, including appro-
19 priate engineering plans and specifications.

20 (B) LEGAL AND INSTITUTIONAL STRUC-
21 TURES.—Establishment of such legal and insti-
22 tutional structures as are necessary to ensure
23 the effective long-term operation of the project
24 by the non-Federal interest.

25 (3) COST SHARING.—

1 (A) IN GENERAL.—The Federal share of
2 the project costs under each partnership agree-
3 ment entered into under this subsection shall be
4 75 percent. The Federal share may be in the
5 form of grants or reimbursements of project
6 costs.

7 (B) CREDIT FOR WORK.—The non-Federal
8 interests shall receive credit for the reasonable
9 cost of design work on a project completed by
10 the non-Federal interest before entering into a
11 partnership agreement with the Secretary for
12 such project.

13 (C) CREDIT FOR INTEREST.—In case of a
14 delay in the funding of the non-Federal share
15 of a project that is the subject of an agreement
16 under this section, the non-Federal interest
17 shall receive credit for reasonable interest in-
18 curred in providing the non-Federal share of
19 the project's costs.

20 (D) LAND, EASEMENTS, AND RIGHTS-OF-
21 WAY CREDIT.—The non-Federal interest shall
22 receive credit for land, easements, rights-of-
23 way, and relocations toward the non-Federal
24 share of project costs (including all reasonable
25 costs associated with obtaining permits nec-

1 essary for the construction, operation, and
2 maintenance of the project on publicly owned or
3 controlled land), but not to exceed 25 percent
4 of total project costs.

5 (E) OPERATION AND MAINTENANCE.—The
6 non-Federal share of operation and mainte-
7 nance costs for projects constructed with assist-
8 ance provided under this section shall be 100
9 percent.

10 (f) APPLICABILITY OF OTHER FEDERAL AND STATE
11 LAWS.—Nothing in this section waives, limits, or other-
12 wise affects the applicability of any provision of Federal
13 or State law that would otherwise apply to a project to
14 be carried out with assistance provided under this section.

15 (g) NONPROFIT ENTITIES.—Notwithstanding section
16 221(b) of the Flood Control Act of 1970 (42 U.S.C.
17 1962d–5b(b), for any project undertaken under this sec-
18 tion, a non-Federal interest may include a nonprofit entity
19 with the consent of the affected local government.

20 (h) CORPS OF ENGINEERS EXPENSES.—Ten percent
21 of the amounts appropriated to carry out this section may
22 be used by the Corps of Engineers district offices to ad-
23 minister projects under this section at 100 percent Fed-
24 eral expense.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$40,000,000. Such sums shall remain available until ex-
4 pended.

5 **SEC. 5108. TENNESSEE RIVER PARTNERSHIP.**

6 (a) IN GENERAL.—As part of the operation and
7 maintenance of the project for navigation, Tennessee
8 River, Tennessee, Alabama, Mississippi, and Kentucky,
9 authorized by the first section of the Rivers and Harbors
10 Act of July 3, 1930 (46 Stat. 927), the Secretary may
11 enter into a partnership with a nonprofit entity to remove
12 debris from the Tennessee River in the vicinity of Knox-
13 ville, Tennessee, by providing a vessel to such entity, at
14 Federal expense, for such debris removal purposes.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$500,000.

18 **SEC. 5109. CLEAR CREEK AND TRIBUTARIES, HARRIS, GAL-**
19 **VESTON, AND BRAZORIA COUNTIES, TEXAS.**

20 The Secretary shall expedite completion of the report
21 for the project for flood damage reduction, ecosystem res-
22 toration, and recreation, Clear Creek and tributaries, Har-
23 ris, Galveston, and Brazoria Counties, Texas.

1 **SEC. 5110. HARRIS COUNTY, TEXAS.**

2 Section 575(a) of the Water Resources Development
3 Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended
4 by inserting before the period at the end the following:
5 “, whether or not such works or actions are partially fund-
6 ed under the hazard mitigation grant program of the Fed-
7 eral Emergency Management Agency”.

8 **SEC. 5111. HARRIS GULLY, HARRIS COUNTY, TEXAS.**

9 (a) STUDY.—

10 (1) IN GENERAL.—The Secretary shall conduct
11 a study to determine the feasibility of carrying out
12 a project for flood damage reduction in the Harris
13 Gully watershed, Harris County, Texas, to provide
14 flood protection for the Texas Medical Center, Hous-
15 ton, Texas.

16 (2) USE OF LOCAL STUDIES AND PLANS.—In
17 conducting the study, the Secretary shall use, to the
18 extent practicable, studies and plans developed by
19 the non-Federal interest if the Secretary determines
20 that such studies and plans meet the evaluation and
21 design standards of the Corps of Engineers.

22 (3) COMPLETION DATE.—The Secretary shall
23 complete the study by July 1, 2004.

24 (b) CRITICAL FLOOD DAMAGE REDUCTION MEAS-
25 URES.—The Secretary may carry out critical flood damage
26 reduction measures that the Secretary determines are fea-

1 sible and that will provide immediate and substantial flood
2 damage reduction benefits in the Harris Gully watershed,
3 at a Federal cost of \$7,000,000.

4 (c) CREDIT.—The Secretary shall credit toward the
5 non-Federal share of the cost of the project the cost of
6 planning, design, and construction work carried out by the
7 non-Federal interest before the date of the partnership
8 agreement for the project if the Secretary determines that
9 such work is integral to the project.

10 (d) NONPROFIT ENTITY.—Notwithstanding section
11 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–
12 5b), a nonprofit entity may, with the consent of the local
13 government, serve as a non-Federal interest for the project
14 undertaken under this section.

15 **SEC. 5112. ONION CREEK, TEXAS.**

16 In carrying out the study for the project for flood
17 damage, reduction, recreation, and ecosystem restoration,
18 Onion Creek, Texas, the Secretary shall include the costs
19 and benefits associated with the relocation of flood-prone
20 residences in the study area for the project during the 2-
21 year period before the initiation of the feasibility study to
22 the extent the Secretary determines such relocations are
23 compatible with the project. The Secretary shall credit to-
24 ward the non-Federal share of the cost of the project the
25 cost of relocation of such flood-prone residences incurred

1 by the non-Federal interest before the date of the partner-
2 ship agreement for the project if the Secretary determines
3 that the relocation of such residences is integral to the
4 project.

5 **SEC. 5113. PELICAN ISLAND, TEXAS.**

6 (a) IN GENERAL.—Section 108(a) of the Energy and
7 Water Development Appropriations Act, 1994 (33 U.S.C.
8 59hh(a)) is amended—

9 (1) by striking “The Secretary” and inserting
10 the following:

11 “(1) AUTHORITY TO CONVEY.—The Secretary”;

12 (2) by adding at the end the following:

13 “(2) LETTER OF INTENT.—

14 “(A) IN GENERAL.—The Secretary may
15 provide a letter of intent to the city of Gal-
16 veston for conveyance of less than 100 acres of
17 the parcel described in subsection (a) for pri-
18 vate development purposes if the Secretary re-
19 ceives and approves a proposal by the city des-
20 ignating the land which would be subject to
21 such development.

22 “(B) DISPOSITION OF SPOIL.—If the Sec-
23 retary issues a letter of intent under subpara-
24 graph (A), no additional spoil material may be
25 placed on the land designated for private devel-

opment for a period of at least 5 years from the date of issuance of the letter to provide the city of Galveston with an opportunity to secure private developers, perform appraisals, conduct environmental studies, and provide the compensation to the United States required for the conveyance.”; and

(3) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) EXPIRATION DATE.—Section 108(e)(3) of such Act (33 U.S.C. 59hh(e)(3)) is amended by striking “date of the enactment of this Act” and inserting “date of enactment of the Water Resources Development Act of 2003”.

SEC. 5114. FRONT ROYAL, VIRGINIA.

Section 591(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 378) is amended by striking “\$12,000,000” and inserting “\$22,000,000”.

**SEC. 5115. RICHMOND NATIONAL BATTLEFIELD PARK,
RICHMOND, VIRGINIA.**

(a) IN GENERAL.—The Secretary is authorized to carry out bluff stabilization measures on the James River in the vicinity of Drewry’s Bluff, Richmond National Battlefield Park, Richmond, Virginia.

1 (b) REIMBURSEMENT.—The Secretary shall seek re-
2 imbursement from the Secretary of the Interior of any
3 costs incurred by the Secretary in carrying out subsection
4 (a).

5 **SEC. 5116. BAKER BAY AND ILWACO HARBOR, WASH-**
6 **INGTON.**

7 The Secretary shall conduct a study of increased sil-
8 tation in Baker Bay and Ilwaco Harbor, Washington, to
9 determine if the siltation is the result of a Federal naviga-
10 tion project (including diverted flows from the Columbia
11 River) and, if the Secretary determines that the siltation
12 is the result of a Federal navigation project, the Secretary
13 shall carry out a project to mitigate the siltation as part
14 of maintenance of the Federal navigation project.

15 **SEC. 5117. CHEHALIS RIVER, CENTRALIA, WASHINGTON.**

16 The Secretary shall credit toward the non-Federal
17 share of the cost of the project for flood damage reduction,
18 Chehalis River, Centralia, Washington, the cost of plan-
19 ning, design, and construction work carried out by the
20 non-Federal interest before the date of the partnership
21 agreement for the project if the Secretary determines that
22 the work is integral to the project.

1 **SEC. 5118. HAMILTON ISLAND CAMPGROUND, WASH-**
2 **INGTON.**

3 The Secretary is authorized to plan, design, and con-
4 struct a campground for Bonneville Lock and Dam at
5 Hamilton Island (also know as “Strawberry Island”) in
6 Skamania County, Washington.

7 **SEC. 5119. PUGET ISLAND, WASHINGTON.**

8 The Secretary is directed to place dredged and other
9 suitable material along portions of the Columbia River
10 shoreline of Puget Island, Washington, between river miles
11 38 to 47 in order to protect economic and environmental
12 resources in the area from further erosion, at a Federal
13 cost of \$1,000,000. This action shall be coordinated with
14 appropriate resource agencies and comply with applicable
15 Federal laws.

16 **SEC. 5120. BLUESTONE, WEST VIRGINIA.**

17 Section 547 of the Water Resources Development Act
18 of 2000 (114 Stat. 2676–2678) is amended—

19 (1) in subsection (b)(1)(A) by striking “4
20 years” and inserting “5 years”;

21 (2) in subsection (b)(1)(B)(iii) by striking “if
22 all” and all that follows through “facility” and in-
23 serting “assurance project”;

24 (3) in subsection (b)(1)(C) by striking “and
25 construction” and inserting “, construction, and op-
26 eration and maintenance”;

1 (4) by adding at the end of subsection (b) the
2 following:

3 “(3) OPERATION AND OWNERSHIP.—The Tri-
4 Cities Power Authority shall be the owner and oper-
5 ator of the hydropower facilities referred to in sub-
6 section (a).”;

7 (5) in subsection (c)(1)—

8 (A) by striking “No” and inserting “Un-
9 less otherwise provided, no”;

10 (B) by inserting “planning,” before “de-
11 sign”; and

12 (C) by striking “prior to” and all that fol-
13 lows through “subsection (d)”;

14 (6) in subsection (c)(2) by striking “design”
15 and inserting “planning, design,”;

16 (7) in subsection (d)—

17 (A) by striking paragraphs (1) and (2) and
18 inserting the following:

19 “(1) APPROVAL.—The Secretary shall review
20 the design and construction activities for all features
21 of the hydroelectric project that pertain to and affect
22 stability of the dam and control the release of water
23 from Bluestone Dam to ensure that the quality of
24 construction of those features meets all standards

1 established for similar facilities constructed by the
2 Secretary.”;

3 (B) by redesignating paragraph (3) as
4 paragraph (2);

5 (C) by striking the period at the end of
6 paragraph (2) (as so redesignated) and insert-
7 ing “, except that hydroelectric power is no
8 longer a project purpose of the facility. Water
9 flow releases from the hydropower facilities
10 shall be determined and directed by the Corps
11 of Engineers.”; and

12 (D) by adding at the end the following:

13 “(3) COORDINATION.—Construction of the hy-
14 droelectric generating facilities shall be coordinated
15 with the dam safety assurance project currently in
16 the design and construction phases.”;

17 (8) in subsection (e) by striking “in accord-
18 ance” and all that follows through “58 Stat. 890”;

19 (9) in subsection (f)—

20 (A) by striking “facility of the inter-
21 connected systems of reservoirs operated by the
22 Secretary” each place it appears and inserting
23 “facilities under construction under such agree-
24 ments”; and

1 (B) by striking “design” and inserting
2 “planning, design”;
3 (10) in subsection (f)(2)—

4 (A) by “Secretary” each place it appears
5 and inserting “Tri-Cities Power Authority”;
6 and

7 (B) by striking “facilities referred to in
8 subsection (a)” and inserting “such facilities”;
9 (11) by striking paragraph (1) of subsection (g)
10 and inserting the following:

11 “(1) to arrange for the transmission of power
12 to the market or to construct such transmission fa-
13 cilities as necessary to market the power produced at
14 the facilities referred to in subsection (a) with funds
15 contributed by the Tri-Cities Power Authority; and”;

16 (12) in subsection (g)(2) by striking “such fa-
17 cilities” and all that follows through “the Secretary”
18 and inserting “the generating facility”; and

19 (13) by adding at the end the following:

20 “(i) TRI-CITIES POWER AUTHORITY DEFINED.—In
21 this section, the ‘Tri-Cities Power Authority’ refers to the
22 entity established by the City of Hinton, West Virginia,
23 the City of White Sulphur Springs, West Virginia, and the
24 City of Philippi, West Virginia, pursuant to a document
25 entitled ‘Second Amended and Restated Intergovern-

1 mental Agreement’ approved by the Attorney General of
2 West Virginia on February 14, 2002.”.

3 **SEC. 5121. WEST VIRGINIA AND PENNSYLVANIA FLOOD**
4 **CONTROL.**

5 (a) CHEAT AND TYGART RIVER BASINS, WEST VIR-
6 GINIA.—Section 581(a)(1) of the Water Resources Devel-
7 opment Act of 1996 (110 Stat. 3790; 113 Stat. 313) is
8 amended—

9 (1) by striking “flood control measures” and in-
10 serting “structural and nonstructural flood control,
11 streambank protection, stormwater management,
12 and channel clearing and modification measures”;
13 and

14 (2) by inserting “with respect to measures that
15 incorporate levees or floodwalls” before the semi-
16 colon.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
18 581(c) of the Water Resources Development Act of 1996
19 (110 Stat. 3791) is amended by striking “\$12,000,000”
20 and inserting “\$90,000,000”.

21 **SEC. 5122. LOWER KANAWHA RIVER BASIN, WEST VIRGINIA.**

22 The Secretary shall conduct a watershed and river
23 basin assessment under section 729 of the Water Re-
24 sources Development Act of 1986 (33 U.S.C. 2267a) for
25 the Lower Kanawha River Basin, in the counties of

1 Mason, Putnam, Kanawha, Jackson, and Roane, West
2 Virginia.

3 **SEC. 5123. CENTRAL WEST VIRGINIA.**

4 Section 571 of the Water Resources Development Act
5 of 1999 (113 Stat. 371) is amended—

6 (1) in subsection (a)—

7 (A) by striking “Nicholas,”; and

8 (B) by striking “Gilmer,”; and

9 (2) by adding at the end the following:

10 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-
11 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
12 1962d–5b(b)), for any project undertaken under this sec-
13 tion, a non-Federal interest may include a nonprofit entity
14 with the consent of the affected local government.

15 “(j) CORPS OF ENGINEERS EXPENSES.—Ten percent
16 of the amounts appropriated to carry out this section may
17 be used by the Corps of Engineers district offices to ad-
18 minister projects under this section at 100 percent Fed-
19 eral expense.”.

20 **SEC. 5124. SOUTHERN WEST VIRGINIA.**

21 (a) CORPS OF ENGINEERS.—Section 340 of the
22 Water Resources Development Act of 1992 (106 Stat.
23 4856; 113 Stat. 320) is amended by adding at the end
24 the following:

1 “(h) CORPS OF ENGINEERS.—Ten percent of the
2 amounts appropriated to carry out this section for fiscal
3 years 2003 and thereafter may be used by the Corps of
4 Engineers district offices to administer projects under this
5 section at 100 percent Federal expense.”.

6 (b) SOUTHERN WEST VIRGINIA DEFINED.—Section
7 340(f) of such Act is amended by inserting “Nicholas,”
8 after “Greenbrier,”.

9 (c) NONPROFIT ENTITIES.—Section 340 of the
10 Water Resources Development Act of 1992 (106 Stat.
11 4856) is further amended by adding at the end the fol-
12 lowing:

13 “(i) NONPROFIT ENTITIES.—Notwithstanding sec-
14 tion 221(b) of the Flood Control Act of 1970 (42 U.S.C.
15 1962d–5b(b)), for any project undertaken under this sec-
16 tion, a non-Federal interest may include a nonprofit entity
17 with the consent of the affected local government.”.

18 **SEC. 5125. CONSTRUCTION OF FLOOD CONTROL PROJECTS**

19 **BY NON-FEDERAL INTERESTS.**

20 Section 211(f) of the Water Resources Development
21 Act of 1996 (33 U.S.C. 701b–13) is amended by adding
22 at the end the following:

23 “(9) BUFFALO BAYOU, TEXAS.—The project for
24 flood control, Buffalo Bayou, Texas.

1 “(10) HALLS BAYOU, TEXAS.—The project for
2 flood control, Halls Bayou, Texas.

3 “(11) ST. PAUL DOWNTOWN AIRPORT (HOLMAN
4 FIELD), ST. PAUL, MINNESOTA.—The project for
5 flood damage reduction, St. Paul Downtown Holman
6 Field), St. Paul, Minnesota.”.

7 **SEC. 5126. BRIDGE AUTHORIZATION.**

8 There is authorized to be appropriated \$30,000,000
9 for the construction of the bridge referred to in section
10 1001(a)(1).

11 **SEC. 5127. ADDITIONAL ASSISTANCE FOR CRITICAL**
12 **PROJECTS.**

13 Section 219(f) of the Water Resources Development
14 Act of 1992 (106 Stat. 4835; 113 Stat. 335–337; 114
15 Stat. 2763A–220–221) is amended by adding at the end
16 the following:

17 “(71) PLAQUEMINE, LOUISIANA.—\$7,000,000
18 for sanitary sewer and wastewater infrastructure,
19 Plaquemine, Louisiana.

20 “(72) CHARLESTON, SOUTH CAROLINA.—
21 \$20,000,000 for wastewater infrastructure, including
22 wastewater collection systems, Charleston, South
23 Carolina.

1 “(73) CROSS, SOUTH CAROLINA.—\$2,000,000
2 for water-related environmental infrastructure,
3 Cross, South Carolina.

4 “(74) SURFSIDE, SOUTH CAROLINA.—
5 \$8,000,000 for environmental infrastructure, includ-
6 ing stormwater system improvements and ocean out-
7 falls, Surfside, South Carolina.

8 “(75) NORTH MYRTLE BEACH, SOUTH CARO-
9 LINA.—\$3,000,000 for environmental infrastructure,
10 including ocean outfalls, North Myrtle Beach, South
11 Carolina.

12 “(76) TIA JUANA VALLEY, CALIFORNIA.—
13 \$1,400,000 for water-related environmental infra-
14 structure, Tia Juana Valley, California.

15 “(77) CABARRUS COUNTY, NORTH CAROLINA.—
16 \$4,500,000 for water-related infrastructure,
17 Cabarrus County, North Carolina.

18 “(78) RICHMOND COUNTY, NORTH CAROLINA.—
19 \$8,000,000 for water-related infrastructure, Rich-
20 mond County, North Carolina.

21 “(79) UNION COUNTY, NORTH CAROLINA.—
22 \$9,000,000 for wastewater infrastructure, Union
23 County, North Carolina.

24 “(80) WASHINGTON, DISTRICT OF COLUMBIA.—
25 \$35,000,000 for implementation of a combined

1 sewer overflow long term control plan, Washington,
2 District of Columbia.

3 “(81) SOUTHERN LOS ANGELES COUNTY, CALI-
4 FORNIA.—\$15,000,000 for environmental infrastruc-
5 ture for the groundwater basin optimization pipeline,
6 Southern Los Angeles County, California.

7 “(82) INDIANAPOLIS, INDIANA.—\$6,430,000 for
8 environmental infrastructure for Indianapolis, Indi-
9 ana.

10 “(83) HENDERSON, NEVADA.—\$5,000,000 for
11 wastewater infrastructure, Henderson, Nevada.

12 “(84) SENNETT, NEW YORK.—\$1,500,000 for
13 water infrastructure, Town of Sennett, New York.

14 “(85) LEDYARD AND MONTVILLE, CON-
15 NECTICUT.—\$7,113,000 for water infrastructure,
16 Ledyard and Montville, Connecticut.

17 “(86) AWENDAW, SOUTH CAROLINA.—
18 \$2,000,000 for water-related infrastructure,
19 Awendaw, South Carolina.

20 “(87) ST. CLAIR COUNTY, ALABAMA.—
21 \$5,000,000 for water-related infrastructure, St.
22 Clair County, Alabama.

23 “(88) EAST BAY, SAN FRANCISCO, AND SANTA
24 CLARA AREAS, CALIFORNIA.—\$4,000,000 for a de-

1 salination project to serve the East Bay, San Fran-
2 cisco, and Santa Clara areas, California.

3 “(89) ATHENS, TENNESSEE.—\$16,000,000 for
4 wastewater infrastructure, Athens, Tennessee.

5 “(90) WARWICK, NEW YORK.—\$1,200,000 for
6 water storage capacity restoration, Warwick, New
7 York.

8 “(91) KIRYAS JOEL, NEW YORK.—\$20,000,000
9 for water-related infrastructure, Kiryas Joel, New
10 York.

11 “(92) WHITTIER, CALIFORNIA.—\$8,000,000 for
12 wastewater and water-related infrastructure, Whit-
13 tier, California.

14 “(93) ANACOSTIA RIVER, DISTRICT OF COLUM-
15 BIA AND MARYLAND.—\$20,000,000 for environ-
16 mental infrastructure and resource protection and
17 development to enhance water quality and living re-
18 sources in the Anacostia River watershed, District of
19 Columbia and Maryland.

20 “(94) DUCHESNE, IRON, AND Uintah COUN-
21 TIES, UTAH.—\$10,000,000 for water-related infra-
22 structure, Duchesne, Iron, and Uintah Counties,
23 Utah.

24 “(95) HANCOCK, HARRISON, JACKSON, AND
25 PEARL RIVER COUNTIES, MISSISSIPPI.—\$5,824,300

1 for water and wastewater-related infrastructure,
2 Hancock, Harrison, Jackson, and Pearl River Coun-
3 ties, Mississippi.

4 “(96) PLACER AND EL DORADO COUNTIES,
5 CALIFORNIA.—\$35,000,000 to improve the efficiency
6 and use of existing water supplies in Placer and El
7 Dorado Counties, California, through water and
8 wastewater projects, programs, and infrastructure.

9 “(97) ARCADIA AND SIERRA MADRE, CALI-
10 FORNIA.—\$20,000,000 for water-related infrastruc-
11 ture, Arcadia and Sierra Madre, California.

12 “(98) EL PASO COUNTY, TEXAS.—\$25,000,000
13 for water-related infrastructure and resource protec-
14 tion and development, El Paso County, Texas.

15 “(99) ATLANTA, GEORGIA.—\$35,000,000 for
16 implementation of a sanitary sewer overflow control
17 plan, Atlanta, Georgia.

18 “(100) CHATTAHOOCHEE RIVER, GEORGIA.—
19 \$20,000,000 for implementation of wastewater infra-
20 structure and resource protection to enhance water
21 quality in and adjacent to the Chattahoochee River,
22 Georgia.

23 “(101) LASSEN, PLUMAS, BUTTE, SIERRA, AND
24 NEVADA COUNTIES, CALIFORNIA.—\$25,000,000 to
25 improve the efficiency and use of existing water sup-

1 plies in the counties of Lassen, Plumas, Butte, Si-
2 erra, and Nevada, California, through water and
3 waste water projects, programs, and infrastructure.

4 “(102) IMPERIAL COUNTY, CALIFORNIA.—
5 \$10,000,000 for wastewater infrastructure to im-
6 prove water quality in the New River, Imperial
7 County, California.

8 “(103) CONTRA COSTA WATER DISTRICT, CALI-
9 FORNIA.—\$23,000,000 for water and wastewater in-
10 frastructure for the Contra Costa Water District,
11 California.”.

12 **SEC. 5128. USE OF FEDERAL HOPPER DREDGE FLEET.**

13 (a) STUDY.—The Secretary shall conduct a study on
14 the appropriate use of the Federal hopper dredge fleet.

15 (b) CONTENTS.—In conducting the study, the Sec-
16 retary shall—

17 (1) obtain and analyze baseline data to deter-
18 mine the appropriate use of the Federal hopper
19 dredge fleet;

20 (2) prepare a comprehensive analysis of the
21 costs and benefits of existing and proposed restric-
22 tions on the use of the Federal hopper dredge fleet;
23 and

24 (3) assess the data and procedure used by the
25 Secretary to prepare the Government cost estimate

1 for worked performed by the Federal hopper dredge
2 fleet.

3 (c) CONSULTATION.—The Secretary shall conduct
4 the study in consultation with ports, pilots, and represent-
5 atives of the private dredge industry.

6 (d) REPORT.—Not later than 180 days after the date
7 of enactment of this Act, the Secretary shall transmit to
8 Congress a report on the results of the study.

9 **SEC. 5129. WAGE SURVEYS.**

10 Employees of the United States Army Corps of Engi-
11 neers who are paid wages determined under the last un-
12 designated paragraph under the heading “Administrative
13 Provisions” of chapter V of the Supplemental Appropria-
14 tions Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall
15 be allowed, through appropriate employee organization
16 representatives, to participate in wage surveys under such
17 paragraph to the same extent as are prevailing rate em-
18 ployees under subsection (c)(2) of section 5343 of title 5,
19 United States Code. Nothing in such section 5343 shall
20 be considered to affect which agencies are to be surveyed
21 under such paragraph.

22 **SEC. 5130. PURCHASE OF AMERICAN-MADE EQUIPMENT**
23 **AND PRODUCTS.**

24 (a) IN GENERAL.—It is the sense of Congress that,
25 to the extent practicable, all equipment and products pur-

1 chased with funds made available under this Act should
2 be American made.

3 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
4 providing financial assistance under this Act, the Sec-
5 retary, to the greatest extent practicable, shall provide to
6 each recipient of the assistance a notice describing the
7 statement made in subsection (a).

Passed the House of Representatives September 24,
2003.

Attest:

Clerk.